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# ANNUAL REPORT ON MIGRATION AND ASYLUM POLICIES 2011 SLOVAK REPUBLIC

# Annual Report on Migration and Asylum Policies 2011 Slovak Republic

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The opinions presented in this study are those of the authors and do not necessarily represent the opinions of the Government of the Slovak Republic, the European Commission or IOM International Organization for Migration.

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## Preface

This report was compiled by the IOM International Organization for Migration Bratislava in its function as the National Contact Point (NCP) of the Slovak Republic in the European Migration Network (EMN). This national report follows the common specifications and methodology prepared by the European Migration Network.

# Contents

List of Abbreviations	8	06. Border Control	38
Executive Summary	9	6.1 Control and Surveillance at External Borders	38
01. Introduction: Purpose and Methodology	10	6.2 Cooperation with Respect to Border Control	39
1.1 Methodology	11	07. International Protection, Including Asylum	40
1.2 Terms and Definitions	11	7.1 Developments within the National Perspective	40
02. General Structure of Political and Legal System in the Slovak Republic	13	7.2 Developments from the EU Perspective	41
2.1 General Structure of the Political System and Institutional Context	13	08. Unaccompanied Minors (and other Vulnerable Groups)	42
2.2 General Structure of the Legal System	14	8.1 Developments within the National Perspective	42
03. General Developments Relevant to Asylum and Migration	17	8.2 Developments from the EU Perspective	42
3.1 General Political Developments	17	09. Global Approach to Migration	43
3.2 Main Policy and/or Legislative Debates	18	9.1 Specific context	43
3.3 Broader Developments in Asylum and Migration	20	9.2 Developments within the National Perspective	43
3.4 Institutional Developments	21	9.3 Developments from the EU Perspective	44
04. Legal Immigration and Integration	22	10. Implementation of EU Legislation	45
4.1 Economic migration	22	10.1 Transposition of EU Legislation 2011	45
4.2 Family Reunification	26	10.2 Experiences, Debates in the (Non-) Implementation of EU Legislation	46
4.3 Other legal migration	28	Annex to National Annual Policy Report 2010 on Implementation of the Commitments of the European Pact and Stockholm Programme	48
4.4 Integration	30	Bibliography	90
4.5 Citizenship and Naturalisation	33		
05. Irregular Immigration and Return	34		
5.1 Irregular Immigration	34		
5.2 Return	36		
5.3 Actions Against Human Trafficking	37		

# List of Abbreviations

**BBAP PFP** – Bureau of the Border and Aliens Police of the Police Force Presidium  
**BPD** – Border Police Directorate  
**CA** – civic association  
**CCFI** – Centre for the Coordination of Foreigners’ Integration  
**CFI** – Concept of Foreigners’ Integration  
**CG** – Consulate General  
**Coll.** – Collection of Laws of the SR  
**COLSAF** – Central Office of Labour, Social Affairs and Family  
**EC** – European Community  
**ECHR** – European Court of Human Rights  
**EEA** – European Economic Area  
**EIF** – European Integration Fund  
**EMN** – European Migration Network  
**ETD** – European Training Day  
**EU** – European Union  
**EUROSUR** – European Border Surveillance System  
**FAI MoI SR** – Foreign Aid Department of the MoI SR  
**FM** – foreign mission  
**FRONTEX** – European Agency for the Management of Operational Cooperation on the External Borders  
**GO SR** – Government Office of the SR  
**IBM** – Integrated EU Border Control Management  
**IOM** – International Organization for Migration  
**LEERS MoI SR** – Legislation and External Relations Section of MoI of SR  
**MIC** – IOM Migration Information Centre  
**MoC SR** – Ministry of Culture of the SR  
**MoE SR** – Ministry of Economy of the SR  
**MoESRS SR** – Ministry of Education, Science, Research and Sports of the SR  
**MoF SR** – Ministry of Finance of the SR  
**MoFA SR** – Ministry of Foreign Affairs of the SR  
**MoH SR** – Ministry of Healthcare of the SR  
**MoI SR** – Ministry of Interior of the SR  
**MoJ SR** – Ministry of Justice of the SR  
**MP** – Migration Policy of the SR with a Perspective until 2020

**MoLSAF SR** – Ministry of Labour, Social Affairs and Family of the SR  
**MO MoI SR** – Migration Office of the MoI SR  
**NC SR** – National Council of the Slovak Republic  
**NLI** – National Labour Inspectorate  
**NUCIM BBAP PFP** – National Unit to Combat Illegal Migration of the Bureau of the Border and Aliens Police of PFP  
**SC SR** – Supreme Court of the SR  
**PF** – Police Force  
**PT** – public transport  
**RABIT** – Rapid Border Intervention Teams  
**SIS** – Schengen Information System  
**SO SR** – Statistical Office of the SR  
**SR** – Slovak Republic  
**UAMs** – unaccompanied minors  
**UNHCR** – United Nations High Commissioner for Refugees  
**UTMS** – Union of Towns and Municipalities of Slovakia  
**VIS** – Visa Information System

# Executive Summary

The Annual Policy Report 2011 provides an overview of the most important changes regarding legislative, institutional and practical aspects of migration and asylum that took place in the Slovak Republic in the reference period from 1 January 2011 to 31 December 2011. The national annual policy report has been compiled within the framework of the European Migration Network activities by the EMN National Contact Point in the SR. The structure and the contents of the chapters follow the specification of the European Commission and are identical for all EU Member States.

In 2011, no significant changes were made at the institutional level influencing migration and asylum policies. Two important changes were reported with regard to policies and legislation: adoption of the Migration Policy of the Slovak Republic with a Perspective until 2020, and adoption and approval of the new Act on Stay of Aliens, which is in effect since 01 January 2012.

The Migration Policy is the principal document and the basis for building a modern and systematic migration policy of the Government of the SR. In seven thematic chapters, the document defines the basic objectives of the SR with regard to legal migration, integration, emigration of qualified labour forces from the SR, illegal migration, returns and human trafficking, border protection, international protection, and migration and development. The document also outlines the future institutional framework in the field of migration and asylum. The individual measures of the Migration Policy will be detailed in the form of concrete action plans throughout the year 2012.

The new act on Stay of Aliens responds to the need to fully harmonise the Slovak legislation with the EU legislation. The SR was working on the law from 2010; the following year the draft law provisions were reviewed and amended

in line with the comments received under the inter-ministerial consultation procedures and comments from the National Council of the SR.

Migration and asylum issues did not form a significant part of political debates in 2011, but thanks to these two important events they were presented in the mass-media more widely and in a broader context compared to the previous years.

The public debate on migration, integration and asylum was running mainly at the level of expert events organised by the non-governmental sector and international organisations in the framework of projects financed with EU funds.

Based on the statistics in the SR, illegal migration fell by 17% in 2011. In the same year, the number of illegal crossings of the Slovak state border declined by 23% and the number of illegal stays in the SR dropped by 14%. Accordingly, the number of persons held in police detention facilities for foreigners fell by 24%. On the other hand, with regard to illegal migration, the number of asylum seekers increased by 6%.<sup>1</sup>

<sup>1</sup> Information provided by BBAP PFP.

# 01

## Introduction: Purpose and Methodology

The Annual Policy Report 2011, which provides an overview of migration and asylum developments in the Slovak Republic, will serve as a background document to prepare the Annual Report of the European Commission on the Implementation of the European Pact on Immigration and Asylum and, similarly as the previous report, it will form the basis for the Synthesis Annual Policy Report of the European Migration Network 2011 which will compare migration and asylum developments in the different European Union Member States.

Just as in the previous years, the report provides information about the developments in policies and legislation and about the main political debates that had an impact on policy creation with regard to migration and asylum in 2011. The structure of the report allows for the provision of information about the developments in the Slovak Republic at the national level and also in the context of the EU developments. The report also contains an annex with a well-arranged summary of the progress in the implementation of the European Pact on Immigration and Asylum and of the Stockholm Programme. In addition to that, the report presents in each chapter basic statistical data, different from the data collected by Eurostat. The synthesis report prepared by the European Commission will provide an overall overview of statistics of all Member States that will help describe migration and asylum trends in 2011. The report reflects the developments in the reference period from 01 January 2011 to 31 December 2011.

The report is divided into ten chapters; besides thematic issues related to migration and asylum—such as legal immigration and integration, illegal immigration and return, border control, international protection including asylum, unaccompanied minors and other vulnerable groups, or global approach to migration—it also contains an introduction with a description of the methodology and definitions, and chapters dealing with the general structure of the political and legal system in Slovakia in 2011 and general development relevant to asylum

and migration issues, as well as implementation of the EU legislation.

### 1.1 Methodology

The Annual Report on Migration and Asylum Policies 2011 has been prepared in line with the European Commission's specifications. Methodologically, the report is based on available expert literature, legislation, strategic documents of the SR, monitoring of available literature, research studies, internet sources, information published on the websites of relevant institutions and organisations, statistical information, and information known to the authors of the report from their own practice in migration and asylum. The data obtained from the MoI SR, specifically from the BBAP PFP, MO MoI SR, LERS MoI SR, FAD MoI SR, and from the MoLSAF SR, OLSAF, MoFA SR and IOM have represented an important source of information. The documents and brochures of other relevant state, international and non-governmental institutions and their websites have also formed a very important source of literature.

Since the literature concerning migration and asylum in the SR is not extensive, the authors based this report not only on available literature, but also on the reports and studies published by the European Migration Network throughout the past years:

Potočková, *Annual Report on Migration and Asylum Policies 2009 Slovak Republic*, European Migration Network, Bratislava, 2010

Potočková, *Annual Report on Migration and Asylum Policies 2010 Slovak Republic*, European Migration Network, Bratislava, 2011

Grethe Guličová, Bargerová, *Organisation of Asylum and Migration Policies in the Slovak Republic*, European Migration Network, Bratislava, 2008.

Mrlianová, Szlobodová, Ulrichová, Zollerová, *Visa Policy and Its Impacts on Migration Flows to*

*the Slovak Republic*, European Migration Network, Bratislava, 2011

Mrlianová, Ulrichová, Zollerová, *Practical Measures to Combat Illegal Migration in the Slovak Republic*, European Migration Network, Bratislava, 2011

Domonkos, Páleník, Radvanský, *Satisfying Labour Demand through Migration in the Slovak Republic*, European Migration Network, Bratislava, 2010

All the studies and reports mentioned above are available at [www.emn.sk](http://www.emn.sk).

With regard to the description of relevant developments at the national level which were not the result of the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme, the authors encountered a problem in connection with the report specifications which require describing only significant developments, parliamentary debates and media reports with an impact on migration and asylum developments. In spite of two important events in this area—passing of a new Act on Stay of Aliens and approval of the Migration Policy of the SR with a Perspective until 2020—no significant debates were held in the parliament. The report mentions only shorter references to migration issues which appeared in the mass-media, the number of which was higher compared to the years before, as well as activities carried out by the third sector or international organisations in the SR.

### 1.2 Terms and Definitions

The terms and definitions used in this report correspond to the largest extent possible with the terms of the *European Migration Network's Glossary*. Where it was not possible or if the EMN Glossary does not define certain terms, the terms pursuant to the national legislation are used. Where the national legislation does not define certain terms, the terms pursuant to the



European Union legislation are used in this text (regulations, directives).

Attention should be paid to the term *alien* which is defined in the Slovak legislation as follows: pursuant to Art. 1, par. 2 of Act No. 48/2002 Coll. on Stay of Aliens and on Changes and Amendments to Some Acts, as Amended, and pursuant to Art. 2, par. 2 of Act No. 404/2011 Coll. on Stay of Aliens as the new act on stay of aliens, which entered into force on 01 January 2012, anybody who is not a national of the Slovak Republic is considered an alien.

Unlike the former wording of the Act on Stay of Aliens under which both the nationals of the European Economic Area (or EU) and third-country nationals were considered aliens in accordance with the national legislation, the new Act on Stay of Aliens introduces, in Art. 2, par. 4, the term *third-country national*. A third-country national is anybody who is not a national of the Slovak Republic or an EU national. A third-country national is also a stateless person.

In the report, the term alien is mainly used in the text and in some statistics prepared pursuant to national legislation. In these cases, the term corresponds to the definition under Art. 1, par. 2 of the Act on Stay of Aliens, and not to the term *alien* or *foreigner* according to the EMN Glossary.<sup>2</sup>

For the purposes of comparability of outputs of the different EU Member States, the specifications concerning this study define the term *significant development/debate* as an event which has been discussed in the national parliament and has been widely reported in the media, especially if such development or debate led to any proposals for amended or new legislation, or to a change in the Minister responsible for immigration and/or asylum and/or integration.

In 2011, the media and the expert public paid increased attention to migration issues in connection with the adoption of the new Act on Stay of Aliens and approval of the Migration Policy of the Slovak Republic with a Perspective until 2020; the press releases are therefore described in more detail in the next part of the report. However, none of these events received increased attention in the NC SR or among the political parties, nor they led to a broader debate at the political or parliamentary levels resulting in further significant changes in migration policy or legislation.

<sup>2</sup> According to the EMN Glossary, an alien in the EU context is a person who is not a national of a Member State of the European Union; in a global context, according to the IOM Migration Glossary, an alien is a person who is not a national (native or citizen) of a given state. In: European Migration Network, Asylum and Migration Glossary – a tool for better comparability, January 2010, p. 12.

## 2.1 General Structure of the Political System and Institutional Context

The main actors in the field of migration and asylum in Slovakia were, just as in the years before, the following three ministries:

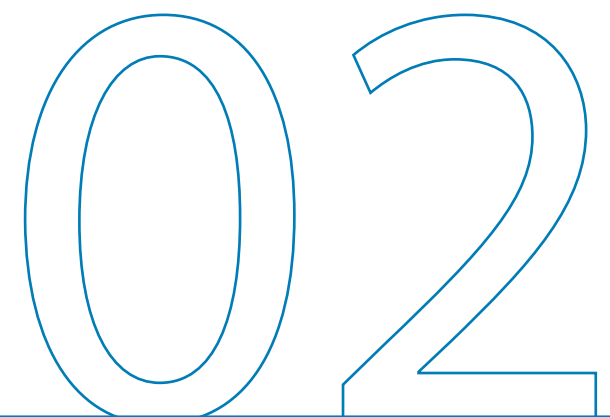
The *Ministry of Interior of the SR*, through its Migration Office and the Bureau of the Border and Aliens Police of the PFP, is competent mainly in the field of legal and illegal migration, and asylum and integration of persons with granted asylum.<sup>3</sup> The Ministry of Interior of the SR also fulfils the function of authority responsible for the management of four EU funds within the general Programme of the Solidarity and Management of Migration Flows (European Refugee Fund, European Integration of Third-Country Nationals Fund, European Return Fund, and External Borders Fund), through which it implements the migration policy of the SR;

The *Ministry of Labour, Social Affairs and Family of the SR*<sup>4</sup> is responsible for the area of labour migration and integration of foreigners. Similarly as in 2010, several organisational and personnel changes occurred at the MoLSAF SR in 2011 within the structures dealing with migration issues.<sup>5</sup> Until 01 September 2011, the Ministry of Labour covered migration and foreigners' integration issues through two departments: the Department of International Relations, and the Department of Gender Equality and Equality of Opportunities. On 01 September 2011, the integration issues were shifted to a new department—Centre for Coordination of Foreigners' Integration (CCFI). CCFI fulfils the function of a coordination office for issues concerning foreigners' integration and migration. The migration issues have remained in the competence of

<sup>3</sup> In the reference period, the position of the Minister of Interior was held by Daniel Lipšic.

<sup>4</sup> In the reference period, the position of the Minister of Labour, Social Affairs and Family was held by Jozef Mihál.

<sup>5</sup> For further details on the changes in the MoLSAF SR structure refer to <http://www.employment.gov.sk/index.php?SMC=1&id=710> (consulted on 06/12/2011).



## General Structure of the Political and Legal System in the Slovak Republic

the Department of International Relations and Protocol, which was established on 01 August 2011 by merging the Department of International Relations and the Protocol Department. They are jointly involved in the preparation of the state policy and conceptual work related to migration and foreigners' integration, as well as in the preparation of legislative measures and other generally binding legal regulations, long-term development programmes, strategic plans and their enforcement at the inter-ministerial level. CCFI also coordinates the implementation of proposed integration measures arising from the Concept of Foreigners' Integration in the Slovak Republic. The next scope of activities of MoLSAF SR involves social care for unaccompanied minors, persons granted asylum and other categories of aliens;

The *Ministry of Foreign Affairs of the SR*<sup>6</sup> is responsible, through its foreign missions abroad, for the issuance of visas and the receipt of applications for Slovak residence permits. The Ministry also assists in returning unaccompanied minors and in the preparation of readmission agreements.

Compared to 2010, no significant changes were made in 2011 in the structure of the political system or institutional context in connection with migration and asylum, with the exception of the organisational change at the MoLSAF SR. The Managing Committee for Migration and Foreigners' Integration<sup>7</sup> continued carrying out its activities also in 2011.

More detailed information about the structure of the political and legal system related to migration and asylum can be found in the EMN Study on the Organisation of Asylum and Migration Policies in the Slovak Republic<sup>8</sup> and in the

EMN Annual Report on Migration and Asylum Policies in the Slovak Republic 2010.<sup>9</sup>

## 2.2 General Structure of the Legal System

The general structure of the legal system in the field of migration and asylum is given by the hierarchy of the different sources of law in the SR. The Constitution and the constitutional laws are legal norms with the highest legal force. The sources of law also include legally binding EC and EU acts which have precedence over the laws of the SR pursuant to Article 7, par. 2 of the Constitution of the SR. The other sources of national law having precedence over the laws of the SR pursuant to Article 7, par. 5 of the Constitution of the SR are international treaties on human rights and fundamental freedoms, as well as international treaties the enforcement of which does not require a law, or international treaties which directly confer rights or impose duties on natural persons or legal entities and which were ratified and promulgated in the way laid down by a law. The structure of the legal system is further constituted by laws, decrees of the Government of the SR, generally binding legal regulations of ministries and other central state administration bodies, generally binding legal regulations of municipal councils, and decisions of the President of the SR. Considering the continental system of law exercised in the SR, court precedents in the form of decisions of general courts are not generally binding, and the decisions of the Constitution of the SR are only considered as sources of law in this respect.

The most important legal regulations applying to migration and asylum are the following:

Act No. 48/2002 Coll. on Stay of Aliens and on Changes and Amendments of Some Acts (hereinafter referred to as "**Act on Stay of Aliens**") is

work, Bratislava, 2008, available at [www.emn.sk](http://www.emn.sk) (consulted on 22/12/2011).

<sup>9</sup> Potočková I., *Annual Report on Migration and Asylum Policies 2009 Slovak Republic*, European Migration Network, Bratislava, 2010, available at [www.emn.sk](http://www.emn.sk) (consulted on 22/12/2011).

the basic law regulating the conditions of entry and stay of aliens in the territory of the SR, and the criteria and procedures for granting the different types of residence permits; lays down the rights and obligations of aliens and other entities; and defines the relevant control and sanction measures for the purpose of preventing illegality and in cases of breach of obligations. The act was in force until 31 December 2011;

Act No. 477/2003 Coll. on State Border Protection (hereinafter referred to as "**Act on State Border Protection**") fulfils a partial task in the prevention of illegal migration by laying down the scope of competences of the Police Force in ensuring state border protection, the rights and obligations of the different bodies, and the sanctions to be imposed in the event of violation of these obligations;

For the purpose of better harmonisation of the national legislation with EC regulations in terms of contents and terminology, Act No. 404/2011 Coll. on Stay of Aliens and on Changes and Amendments to Some Acts (hereinafter referred to as "**new Act on Stay of Aliens**") was passed on 21 October 2011. This act merges and replaces the former acts mentioned above, and regulates the entry, stay and status of foreign nationals in the SR in a comprehensive manner. The act also modifies the conditions and procedures to apply for the different types of residence permits, the obligations of EU nationals, holders of permits for temporary residence, permanent residence and tolerated stay, as well as persons holding the status of a Slovak living abroad. In addition to that, the act regulates the status of family members of EU nationals, extending the definition of this group of aliens by two new categories. The act introduces new types of temporary residence, extending in some cases the upper limits of the temporary residence period and of the extended period. It also extends aliens' obligations related to the filing of applications for temporary residence permit and their duties after taking over their residence documents. The act introduces three types of permanent residence and defines the conditions under which an alien may apply for

a permanent residence permit. The minimum period of residence required on the basis of which the holder of a permanent residence permit may apply for permanent residence for an unlimited period of time has been reduced from five years to four years. Tolerated stay is now available to a new category of aliens, respecting their private and family lives, as well as for the purpose of providing support to the victims of human trafficking. In connection with the modification of provisions on administrative expulsion and detention, the act introduces alternatives to detention. The act entered into force on 01 January 2012;

Act No. 480/2002 Coll. on Asylum and on Changes and Amendments to Some Acts (hereinafter referred to as "**Act on Asylum**") regulates the international protection of aliens in the SR by defining the conditions and procedures related to asylum granting and provision of subsidiary protection and temporary shelter. This act also covers the rights and obligations of the different categories of persons; stay in asylum facilities; and, partially, the integration of persons granted asylum;

Act No. 5/2004 Coll. on Employment Services and on Changes and Amendments to Some Acts (hereinafter referred to as "**Act on Employment Services**") specifies the conditions under which the different categories of aliens can enter the labour market of the SR; the criteria and the procedures for the granting of employment permits; employers' obligations concerning the employment of aliens; control activities of competent authorities aimed at the detection of illegal work, illegal employment and compliance with other legal obligations; as well as sanction measures in the event of breach of obligations;

Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on Changes and Amendments to Some Acts (hereinafter referred to as "**Act on Illegal Work and Illegal Employment**") lays down a general ban on illegal work and illegal employment, and specifies the control activities carried out by competent authorities in this field and the sanctions applied for illegal work;



Act No. 40/1993 Coll. on the Citizenship of the Slovak Republic as Amended (hereinafter referred to as **"Citizenship Act"**) lays down the ways and conditions to acquire citizenship, including the granting of the Slovak citizenship at an alien's request (so-called naturalisation) as one of the most frequent ways;

Act No. 300/2005 Coll. Penal Code as Amended (hereinafter referred to as **"Penal Code"**) represents an important restrictive tool in connection with illegal migration and its negative accompanying effects. This act defines the crimes of smuggling, trafficking in human beings, trafficking in children, and lays down the relevant sanctions, among which judicial expulsion holds an important position.

The different aspects of foreigners' stay in the territory of the SR are further regulated by many other legal regulations, including: Act on Health Insurance<sup>10</sup>, Act on Healthcare and Services Related to Healthcare<sup>11</sup>, Act on Social Insurance<sup>12</sup>, Act on Social and Legal Protection of Children and on Social Guardianship<sup>13</sup>, Act on Assistance in Material Need<sup>14</sup>, Family Act<sup>15</sup>, Civil Registration Act<sup>16</sup>, School Act<sup>17</sup>, Act on Universities<sup>18</sup>, Act on Recognition of Professional Qualification<sup>19</sup>, Labour Code<sup>20</sup>, Trade Licensing Act<sup>21</sup>, Act on

Travel Documents<sup>22</sup>, Civil Procedure Code<sup>23</sup>, Act on Civil Proceeding<sup>24</sup>, Act on the Police Force<sup>25</sup>, and others.

There are several relevant actors making decisions on migration and asylum issues. NC SR is the legislative body with the competence to create and pass legislation, and, at the same time, the only constitutional and legislative body in the SR. That means that all draft laws, including those related to migration and asylum, are discussed and passed by the parliament. Draft laws can be presented by the NC SR (draft laws by deputies; in this case, deputies and parliamentary committees have the legislative initiative) or by the Government (government draft laws, the number of which prevail over the draft laws by deputies). As far as legislative initiative (the right to present a draft law to the NC SR) is concerned, parliamentary deputies (group of parliamentary deputies) have full autonomy in the preparation of new draft bill; differing from government draft laws where the Government appoints any of the Members of Government as the sponsor of the draft law, usually the Minister competent in the area of state administration to be regulated by the draft law, in accordance with the Competence Act. MoI SR is the central state administration body responsible, among other things, for state border protection and administration, entry to the territory of the Slovak Republic and stay of aliens in the territory of the SR, issues concerning departees and persons granted asylum, and population registers. MoL-SAF SR is a central state administration body responsible, among other things, for labour inspection, employment strategy, coordination of the employment strategy and labour market policy preparation, labour relations, social insurance, social assistance, social protection of children, and social guardianship. MoFA is a central state administration body responsible, among other things, for official development aid.<sup>26</sup>

<sup>22</sup> Act No. 647/2007 Coll. on Travel Documents and on Changes and Amendments to Some Acts.

<sup>23</sup> Act No. 99/1963 Coll. Civil Procedure Code.

<sup>24</sup> Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Procedure Code).

<sup>25</sup> Act No. 171/1993 Coll. on the Police Force.

<sup>26</sup> Potočková I., *Annual Report on Migration and Asylum Policies*

<sup>10</sup> Act No. 580/2004 Coll. on Health Insurance and on Changes and Amendments to Act No. 95/2002 Coll. on Insurance and on Changes and Amendments to Some Acts.

<sup>11</sup> Act No. 576/2004 Coll. on Healthcare, Healthcare Related Services and on Changes and Amendments to Some Acts.

<sup>12</sup> Act No. 461/2003 Coll. on Health Insurance.

<sup>13</sup> Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship and on Changes and Amendments to Some Acts.

<sup>14</sup> Act No. 599/2003 Coll. on Assistance in Material Need and on Changes and Amendments to Some Acts.

<sup>15</sup> Act No. 36/2005 Coll. on Family and on Changes and Amendments to Some Acts.

<sup>16</sup> Act No. 154/1994 Coll. on Civil Registration.

<sup>17</sup> Act No. 245/2008 Coll. on Education (School Act) and on Changes and Amendments to Some Acts.

<sup>18</sup> Act No. 131/2002 Coll. on Universities and on Changes and Amendments to Some Acts.

<sup>19</sup> Act No. 293/2007 Coll. on Recognition of Professional Qualification.

<sup>20</sup> Act No. 311/2001 Coll. Labour Code.

<sup>21</sup> Act No. 455/1991 Coll. on Trade Licensing.

In this chapter, we present the general context of the developments running in specific areas, detailed in Chapters 4 to 9 of the Report. This overview comprises the relevant political developments, the political and legislative debates, wider developments with an impact on many areas of migration and asylum, as well as institutional developments.

### 3.1 General Political Developments

From the second half of 2010, the SR has been governed by a coalition of centre-right parties led by Prime Minister Iveta Radičová—the Slovak Democratic and Christian Union — Democratic Party (SDKÚ-DS), the Christian Democratic Movement (KDH), Most-Híd, and the party Freedom and Solidarity (SaS). The most significant event in 2011 from the point of view of political developments was the voting on the European bail-out fund on 12 October 2011. Besides opposition parties (in the first round of the voting), the coalition party SaS also took a negative position, as a result of which the coalition lost its majority in the Parliament needed to approve the bail-out fund. After several unsuccessful negotiations, the Prime Minister merged the voting in the NC SR on the European bail-out with a vote of confidence. Since the SaS deputies did not join the voting, neither the bail-out fund nor the government obtained the necessary majority of votes, as a result of which the government lost confidence and fell. On the basis of further negotiations during the following days, 10 March 2012 was approved as the date of early parliamentary elections. On 25 October 2011, the President of the SR recalled the cabinet of Prime Minister Iveta Radičová, re-appointed it, and charged it with ruling until a new government is appointed on the basis of the results of the early parliamentary elections. The mandate of the caretaker government is restricted. The government is deprived of some constitutional functions, and some of its competences may only be exercised with President's consent. The caretaker government may not decide on

## 03 General Developments Relevant to Asylum and Migration

2009 Slovak Republic, European Migration Network, Bratislava, 2011, available at [www.emn.sk](http://www.emn.sk) (consulted on 22/12/2011).

fundamental economic, social, national and foreign policy measures.

As of 31 December 2011, the Government had 15 members: Prime Minister; 1st Deputy Prime Minister—who has also held the position of Minister of Transport, Construction and Regional Development—; two Deputy Prime Ministers who also hold the positions of Minister of Finance and Minister of Labour, Social Affairs and Family, respectively; a Deputy Prime Minister<sup>27</sup> without a portfolio (not appointed to run any ministry); and ten Ministers<sup>28</sup>. In the reference period, no changes occurred on the positions of Ministers relevant to migration and asylum issues.

In 2011, no elections were held in the SR, except for the by-elections of mayors in 11 municipalities on 05 November 2011. The by-elections did not have a significant impact in terms of asylum and migration. Contrary to parliamentary or presidential elections, aliens could also vote in the municipal by-elections since citizenship of the SR is not a condition for voting in this type of elections. Persons (including aliens) with permanent residence in the SR are entitled to vote in municipal elections.

In general, migration and asylum issues did not represent the principal topics of political debates in 2011, and did not have any impact on the changes that occurred within the structure of the political system in the reference period.

## 3.2 Main Policy and/or Legislative Debates

In 2011, two significant events happened at the government level in relation to migration and asylum which, however, did not lead to major

political or parliamentary debates. Yet, these two events raised wider media attention, as a consequence of which migration issues were presented in the media more often than in the years before.

More details are described in Chapter 4 – 9 and in the annex to this Report.

The first important event was the approval of the Migration Policy of the SR with a Perspective until 2020 (MP or Migration Policy)<sup>29</sup>. The draft Migration Policy was prepared by the MoI SR on the basis of documents presented by the different bodies bound by this task on the basis of Government Resolution No. 67 of 02 February 2011<sup>30</sup> and information obtained from the activities of the Managing Committee for Migration and Foreigners' Integration and its expert working group and other work bodies, in consideration of the plans arising from the conceptual document *Minerva 2.0 — Slovakia into the First League*. Non-governmental and inter-governmental organisations and the wide public also presented their opinions on the MP at a coordination meeting called for this purpose in March 2011, and by means of the inter-ministerial consultation procedure. The process of preparation and adoption of the MP did not raise a wider debate among politicians, but it evoked an important discussion among the expert public. The media informed about the MP and about migration issues in the SR more extensively compared to the years before, especially after it was approved by the Government. The media mainly focused on the admission and employment of highly-qualified employees, scientists, and, if required, other qualified migrants in line with the needs of the national economy and the Slovak labour market. In connection with the adoption of the MP, Minister of Interior Daniel Lipšic declared several times that by adopting

the document the SR also responds to a security risk and does not support the creation of segregated foreigners' communities. "Because of immigrants, the SR will not change its habits, traditions and values, and migrants must accept them." These statements were presented in the media more extensively.<sup>31</sup>

In spite of these statements by the Minister of Interior of the SR, the issues of foreigners' integration have not become the subject of a wider public or political debate. Integration issues were rather discussed by the expert public and, more widely, after the criminal act of Anders Breivik in Norway who described Slovakia in his Manifesto as a country "least marked by multiculturalism".<sup>32</sup> In this regard, the research conducted by SME Daily among the parliamentary political parties in the SR under the title *Slovak Parties Don't Care about Foreigners* should be mentioned here.<sup>33</sup> According to this short research, most political parties do not consider dealing with multi-culturalism in the SR as a priority, or admit it as a topic for the future. None of the political parties deals with these issues in their political programmes; the only exceptions being Roma issues and relations with minority Hungarians. Most parties are not very open to immigrants, not even in connection with popu-

lation ageing discussed by demographers. They are reserved to the possibility of replacing the shrinking population with immigrants.

The other significant event in 2011 with regard to migration was the preparation and passing of the new Act on Stay of Aliens<sup>34</sup>. Although it represents an in-depth revision of the Act on Stay of Aliens and the Act on Border Control, merged in the new Act on Stay of Aliens mainly for the purpose of full transposition and reflection upon the EU legislation, its preparation and process of approval did not raise any massive response among politicians, in the media, or among the general public. The draft law evoked most reactions within the inter-ministerial consultation procedure; the MoI SR obtained 695 comments in total not only from state administration authorities and self-governments, but also from the expert public and from non-governmental and inter-governmental organisations working in the field of migration. Because of the need to revise the draft act and discuss the comments, the process of its approval was shifted to the second half of 2011. According to the original schedule, the draft act was due to be approved and passed by the end of the first half of 2011. At the NC SR level, the draft did not raise a wider debate, either. Several comments by deputies of administrative nature were incorporated into the draft law. The comments also related to the conditions of admission of third-country nationals for the purpose of highly-qualified employment and changed conditions concerning the submission of some documents when applying for a temporary residence permit or for a visa. The media did not inform about the passing of the act or about the rules for foreigners under the act.

<sup>27</sup> Deputy Prime Minister for Human Rights and Minorities, Rudolf Chmel.

<sup>28</sup> On 23 November 2011 the Minister of Defence Ľubomír Galko was recalled from his function and Prime Minister Iveta Radičová was appointed to run the Ministry of Defence of the SR from 28 November 2011. More details are available at <http://www.vlada.gov.sk/clenovia-vlady/> (consulted on 06/12/2011).

<sup>29</sup> The Migration Policy of the SR with a Perspective until 2020 was approved by Government Resolution No. 574 of 31 August 2011, available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20174> (consulted on 07/12/2011).

<sup>30</sup> MoLSAF SR, MoF SR, MoFA SR, MoJ SR, MoERDS SR, MoH SR, MoE SR, MoC SR, GO SR, SO SR, Deputy Prime Minister for Human Rights and National Minorities.

<sup>31</sup> For example, Aktuality.sk: *Lipšic: Kvôli imigrantom nebudeme meniť zvyky, tradície a hodnoty! Musia ich prijať!*, available at <http://www.aktuality.sk/clanok/192679/lipšic-imigrantov-ktorisa-nechcu-integrovať-nechceme/> (consulted on 07/12/2011); webnoviny.sk: *Podmienkou migrácie je podľa Lipšica akceptovanie kultúry*, available at <http://www.webnoviny.sk/slovensko/podmienkou-migracie-je-podla-lipsica/398311-clanok.html> (consulted on 07/12/2011); hnonline.sk: *Lipšic: Migranti sú u nás hostia podľa toho by sa mali správať*, available at <http://hnonline.sk/slovensko/c1-52718760-lipšic-migranti-su-u-nas-hostia-a-podla-toho-by-sa-mali-spravat> (consulted on 07/12/2011); Pravda: *Lipšic čaká od migrantov integráciu, multikulturalizmus podľa neho zlyhal*, available at [http://spravy.pravda.sk/lipšic-caka-od-migrantov-integraciu-multikulturalizmus-podla-neho-zlyhal-1tt-sk\\_domace.asp?c=A110831\\_153954\\_sk\\_domace\\_p29](http://spravy.pravda.sk/lipšic-caka-od-migrantov-integraciu-multikulturalizmus-podla-neho-zlyhal-1tt-sk_domace.asp?c=A110831_153954_sk_domace_p29) (consulted on 07/12/2011).

<sup>32</sup> For example, sme.sk: *Nórsky masový vrah spomína aj Slovensko*, available at <http://www.sme.sk/c/5990839/norsky-masovy-vrah-spomina-aj-slovensko.html> (consulted on 07/12/2011); sme.sk: *Breivik si všimol že Slovensko pristahovalcov nevíta*, available at <http://www.sme.sk/c/5991717/breivik-si-vsimmel-ze-slovensko-pristahovalcov-nevita.html> (consulted on 07/12/2011).

<sup>33</sup> Available at <http://www.sme.sk/c/5995929/slovenske-strany-cudzinci-netrapia.html> (consulted on 07/12/2011).

<sup>34</sup> Act No. 404/2011 of 21 October 2011 on Stay of Aliens and on Changes and Amendments to Some Acts.



### 3.3 Broader Developments in Asylum and Migration

Besides the events described in Chapter 3.2, no significant development with an impact on migration and asylum in broader terms were reported in the SR. The two significant events in this area did not raise a wider response at a political level or among the general public. Yet, compared to the previous years, the media dealt with migration and asylum issues more widely, especially with regard to the newly adopted MP and its focus<sup>35</sup>, the Act on Stay of Aliens<sup>36</sup>, illegal migration, smuggling, and trafficking in human beings. A significant event that called the attention of the Slovak media and initiated discussions about migration and multi-culturalism was the tragic incident in Norway.<sup>37</sup> The media published several articles and broadcasted several TV programmes<sup>38</sup> on trafficking in human beings in the second half of 2011 that coincided with the launch by MoI SR of a new campaign on new forms of human trafficking (forced labour) and with the promotion of the free helpline with EU financial support on the occasion of the European Day against Trafficking in Human Beings on 18 October 2011. The campaign, under the title *You're Becoming a Slave without Information*, has been run in the form of posters placed at bus and railway stations, in airport

halls and in the premises of the Offices of Labour, Social Affairs and Family of the SR, as well as in the form of television and radio commercials. Besides illegal migration issues, the media also reported on integration issues in connection with MIPEX research<sup>39</sup>, and on migration and refugees in connection with the events in North Africa<sup>40</sup>. The media also informed about the restoration of border controls by Denmark at its borders with Germany and Sweden and, in this regard, possible changes in the Schengen rules. These pieces of news, however, did not result in a wider public debate or a debate in the parliament.

In 2011, the Supreme Court of the SR (SC SR) delivered several judgements in asylum matters<sup>41</sup>.

39 For example, webnoviny.sk: *Slovensko má tretí najnepriaznivejší index*, available at <http://www.webnoviny.sk/slovensko/sr-ma-treti-najnepriaznivejsi-index/344227-clanok.html> (consulted on 15/12/2011); Týždeň: *Slovensko vo výskume migrácie prepadlo*, available at <http://www.tyzden.sk/domaci-servis/mpsvr-sr-slovensko-vo-vyskume-migracie-prepadlo-10.html> (consulted on 05/05/2011).

40 For example, SME: *Na Sicíliu prišlo 963 utečencov z Afriky*, available at <http://www.sme.sk/c/5916519/na-siciliu-prislo-963-ute-cencov-z-afriky.html> (consulted on 15/12/2011); webnoviny.sk: *Stovky libyjských utečencov pristáli na Lampeduse*, available at <http://www.webnoviny.sk/svet/stovky-libyjskych-utecencov-pristali/349747-clanok.html> (consulted on 15/12/2011).

41 For example, in connection with the detention proceedings—judgement of SC SR, file no. 1SžA/74/2010 of 12 April 2010, confirming the decision of the Aliens Police Department of PF Bratislava of 11 March 2010 on the detention of claimant. The judgement of the Regional Court was changed, cancelling the decision of the Aliens Police Department of PF. According to the legal opinion of SC SR, the logical prerequisite for detaining an alien is that his purpose can be fulfilled; in the decision-making on an alien's detention it is therefore necessary to consider whether the exercise of administrative expulsion is at least potentially possible. In spite of a formal existence of a valid decision on administrative expulsion, SC SR came to the conclusion that since the claimant's expulsion to Algeria was suspended by the ECHR and the administrative authorities had not dealt at all with the possibility of expulsion of the claimant to a third country, the conditions for detention were not met. Since the filing of a proposal to examine the decision of the administrative authority by court does not have an impact on its validity and enforceability, the claimant was expelled from the territory of the SR to Algeria on 19 April 2010 and, in this case, the decision of SC SR has a formal nature.

There were also judgements concerning examination of the legality of decisions made by Aliens Police Departments, administrative expulsions and judgements confirming the decisions on refusal of asylum. In only one case out of five judgements concerning the refusal of asylum, the SC SR decided to cancel the negative decision of MO MoI SR on asylum and to return the case for further proceedings.

The judgements of the SC SR or regional courts, however, are not generally legally binding and do not constitute a source of law.

### 3.4 Institutional Developments

The general institutional context is described in Chapter 2.1 of this Report. The only change in the field of migration was the organisational change within the MoLSAF SR, which established a new department dealing with integration issues—the Centre for the Coordination of Foreigners' Integration. As for organisational structure, this Centre was shifted to the competence of the Deputy Minister of MoLSAF SR. Integration issues are also dealt with by the Department of Foreign Relations and Protocol of MoLSAF SR.

35 For example, Aktuality.sk: *Lipšic: imigrantov, ktorí sa nechcu integrovať nechceme*, available at <http://www.aktuality.sk/clanok/192679/lip-sic-imigrantov-ktori-sa-nehcu-integrovat-nehceme/> (consulted on 07/12/2011); Pravda.sk: *Lipšic čaká od migrantov integráciu, multikulturalizmus podľa neho zlyhal*, available at [http://spravy.pravda.sk/lip-sic-caka-od-migrantov-integraciju-multikulturalizmus-podla-neho-zlyhal-1tt-/sk\\_domace.asp?c=A110831\\_153954\\_sk\\_domace\\_p29](http://spravy.pravda.sk/lip-sic-caka-od-migrantov-integraciju-multikulturalizmus-podla-neho-zlyhal-1tt-/sk_domace.asp?c=A110831_153954_sk_domace_p29) (consulted on 07/12/2011).

36 For example, Sme.sk: *Podmienky na vstup a pobyt cudzincov sa upraví*, available at <http://www.sme.sk/c/5748508/podmienky-na-vstup-a-pobyt-cudzincov-sa-uprava.html> (consulted on 09/01/2012).

37 For example, Pravda.sk: *Bez migrantov by bol svet ako bez sťahovavých vtákov*, available at [http://spravy.pravda.sk/bez-migrantov-by-bol-svet-ako-bez-stahovavych-vtakov-pc3-/sk\\_svet.asp?c=A110809\\_183911\\_sk\\_svet\\_p58](http://spravy.pravda.sk/bez-migrantov-by-bol-svet-ako-bez-stahovavych-vtakov-pc3-/sk_svet.asp?c=A110809_183911_sk_svet_p58) (consulted on 09/01/2012).

38 More details are available from the press monitoring of MoI SR; available at <http://www.minv.sk/?rozbiehame-komunikacnu-kampan> (consulted on 15/12/2011).

The judgements of SC SR are available at <http://www.nssr.gov.sk/rozhodnutia/> (consulted on 18/01/2012).

# 04

## Legal Immigration and Integration

Chapter 4 of the Annual Report describes relevant developments in politics, legislative developments, and specific debates in the national context of the SR. It also identifies specific developments at the national level in connection with the implementation of the EU policies and legislation and the use of EU financial instruments. This part also summarises the main findings described in the annex on the implementation of the European Pact and Stockholm Programme.

### 4.1. Economic Migration

#### 4.1.1 Specific Context

The SR has traditionally been rather a country of emigration than a country of immigration.<sup>42</sup> Before 1989, foreigners came to the former Czechoslovakia from countries in the former Eastern bloc mainly for study reasons. On the basis of bilateral agreements on humanitarian aid in the form of expert preparation and on increasing of qualification through temporary employment, nationals of Vietnam, Angola, Cuba, Laos, Mongolia and North Korea came to Slovakia.<sup>43</sup>

Similar was the situation in the SR during the transformation period, when it was rather viewed as a country of origin or transit country<sup>44</sup> for economic migrants than as a country of destination of labour migration.<sup>45</sup>

<sup>42</sup> *Comparative Study of the Laws in the 27 EU Member States for Legal Migration, Including an Assessment of the Conditions and Formalities Imposed by Each Member State for Newcomers, International Migration Law No. 16*, IOM International Organization for Migration, 2009, p. 460.

<sup>43</sup> Domonkos, T., Páleník M., Radvanský M., *Satisfying Labour Demand through Migration in the SR. National Study for the European Migration Network*, IOM International Organization for Migration, 2010, available at <http://www.emn.sk> (consulted on 27/12/2011).

<sup>44</sup> Potočková, I., *Annual Report on Migration and Asylum Policies 2010 Slovak Republic*, European Migration Network, Bratislava, 2011, available at <http://www.emn.sk> (consulted on 27/12/2011).

<sup>45</sup> Domonkos, T., Páleník M., Radvanský M., *Satisfying Labour Demand Through Migration in the SR. National Study for the European Migration Network*, IOM International Organization for Migration, 2010, available at <http://www.emn.sk> (consulted on 27/12/2011).

After 1990, the number of foreigners in the SR in terms of migration was negligible. Although the borders opened up, labour migration remained largely limited. The largest group of foreigners was constituted by asylum seekers, and Slovakia was not their country of destination.<sup>46</sup>

Throughout the transition period, the living standards gradually rose, and with the accession to the EU and subsequently to the Schengen Area labour migration got facilitated and promoted.<sup>47</sup> The SR has become a more attractive country from the point of view of labour migration, and even the country of destination for some foreigners.<sup>48</sup>

As far as labour migration is concerned, the number of foreigners since the founding of the SR until its accession to the EU represented approx. 5,000 persons, including nationals of the Czech Republic. After Slovakia's accession to the EU, the number of foreigners gradually increased from 3,431 persons in 2004 to more than the quadruple in 2008 (14,900 persons).

In 2009, the situation in the labour market changed as a result of the economic crisis — the unemployment rate increased and the number of foreigners from certain countries (Romania, Bulgaria and other non-EU countries) slightly dropped.<sup>49</sup> In 2011, the number of work migrants grew to 22,185 persons, including 5,185 third-country nationals.

<sup>46</sup> For more details about migration trends in the SR refer to the publication: Divinský, B., *Migration Trends in the Slovak Republic. The Accession of the Country to the EU (2004–2008)*, IOM International Organization for Migration, 2009, p. 42 – 43.

<sup>47</sup> Domonkos, T., Páleník M., Radvanský M., *Satisfying Labour Demand Through Migration in the SR. National Study for the European Migration Network*, IOM International Organization for Migration, 2010, available at <http://www.emn.sk> (consulted on 27/12/2011).

<sup>48</sup> Potočková, I., *Annual Report on Migration and Asylum Policies 2010 Slovak Republic*, European Migration Network, Bratislava, 2011, available at <http://www.emn.sk> (consulted on 27/12/2011).

<sup>49</sup> Domonkos, T., Páleník M., Radvanský M., *Satisfying Labour Demand through Migration in the SR. National Study for the European Migration Network*, IOM International Organization for Migration, 2010, available at <http://www.emn.sk> (consulted on 27/12/2011).

### 4.1.2 Developments within the National Perspective

On 31 August 2011, the Government of the SR approved the Migration Policy, the contents and nature of which is based on the Migration Policy Concept of the Slovak Republic of 2005 and responds to the migration situation developments and needs of the Slovak Republic, especially in the field of economic migration.

The objective of the MP is to promote the admission of economic migrants and employment of migrants in line with the needs of the national economy and the labour market with an emphasis on the admission of highly-qualified employees, scientists and, if required, other qualified migrants to cover jobs in short supply. According to the MP, the scope of admissions will be based on the analysis of the national economy and labour market needs. On the basis of these analyses and of the economic benefits of the different groups of economic migrants, it is considered to adopt, in the future, regulatory and control measures to ensure balance on the labour market and within the entire scope of economic migration, as well as the introduction of a scoring system and of job lists.

The MP also focuses on those segments of economic migration which have not been dealt with yet in the SR or have been tackled only to a small extent. The MP highlights the need to use the potential of temporary and circular migration in the elimination of illegal migration, and the drain of highly-qualified and qualified labour force along with the current development of third countries. For these reasons, it is planned to update, in the future, the conditions creating the framework for migrants' entry to the labour market, seasonal work, temporary and circular migration, and various forms of short-term employment. The MP also stresses the need to re-define the problems related to the recognition of achieved education and qualification and prevention of brain waste and brain drain from the SR to abroad. The MP also



considers introducing a Slovak Card providing preferential conditions to highly-qualified persons interested in working in Slovakia, and of a scoring system enabling the coming of migrants meeting Slovakia's different preferences. In addition to that, the MP stresses the need to improve and make more efficient the collection and processing of labour market data through regular analysis and to set up regularly updated lists of jobs in short supply.

Under the MP, all ministries must prepare their own action plans and specify in them their individual migration policy measures. The ministries' action plans will refer to a period of two years, and will be subsequently updated biannually.

As far as the employment of foreigners is concerned, Slovakia did not introduce any restrictive measures in 2011 aimed to prevent access to the Slovak labour market or any other related measures to promote the return of migrants to their countries of origin. On the contrary, the SR set a direction in the MP towards mainly managed economic migration. Hence, the scope of labour immigration was not limited in 2011, and depended on the labour market needs.

The Slovak Republic considers, in the framework of the Government's strategic material *Minerva – Slovakia into the First League*, the introduction of a Slovak Card providing preferential conditions to highly qualified persons interested in working in Slovakia. In terms of legislation, the term *Slovak Card* is also mentioned in the new MP.

With regard to the promotion of the admission of students or young professionals, besides the treaties concluded with New Zealand and Canada (more details in the Annex on the Pact I(b)), the SR developed other initiatives, as well. Under the Modernisation Programme Slovakia 21, approved by the Government in 2008, the Ministry of Education of the SR granted, in 2011, scholarships to secondary-school graduates from selected third countries (Belarus, Bosnia and Herzegovina, Moldova, Serbia, Macedonia,

Ukraine, Montenegro and Croatia) to study Slovak language under the Institute for Language and Academic Preparation for Foreign Students and prepare for acceptance tests to technical universities.<sup>50</sup>

In the field of legislation, Act No. 223/2011 Coll.—which, among other things, amended Act No. 5/2004 Coll. on Employment Services and on Changes and Amendments to Some Acts and Act No. 82/2005 on Illegal Employment and Illegal Work—entered into force on 20 July 2011, expanding employers' obligations related to the employment of EU nationals and third-country nationals. The amendments to these acts aim to prevent illegal migration and illegal work. More details are presented in the Annex on the Implementation of the European Pact on Immigration and Asylum and Stockholm Programme, sections I(a) and I(b).

At the same time, Act No. 404/2011 Coll. of 21 October 2011 on Stay of Aliens and on Changes and Amendments to Some Acts (hereinafter referred to as "new Act on Stay of Aliens") was passed and entered into effect on 01 January 2012. The new Act on Stay of Aliens merges residence issues with issues concerning border control. More details are provided in Chapter 2.2.

In 2011, MoERDS SR amended Act No. 172/2005 Coll. on the Organisation of State Support for Research and Development and on Amending Act No. 575/2001 Coll. on the Organisation of Government Activities and on the Organisation of the Central State Administration As Amended, re-defining the conditions for the admission of aliens—third-country nationals—for the purposes of research and development, including conditions and requirements for agreements on hosting an alien who is not an EU national, as well as conditions and responsibilities of admitting organisations, and the conditions for admitting organisations to conclude agreements on hosting in connection with the issuance of

50 For more details refer to <http://www.minedu.sk/index.php?lang=en&rootId=90> (consulted on 11/01/2012).

permits.<sup>51</sup>

Some areas of economic migration were also tackled through projects implemented by some NGOs and international organisations.

In 2011, the Institute for Public Affairs published a book *Migranti na slovenskom trhu práce (Migrants on the Slovak Labour Market)*<sup>52</sup> under the project Economic Aspects of Migration and Integration of Third-Country Nationals in Slovakia, supported by the European Fund for Integration of Third-Country Nationals in the framework of the Solidarity and Migration Flows Management programme. The research project was conducted in 2010 and the publication focused on the economic, sociological and political factors of migration and analysed the impacts of the international trends in international migration on economic migration in Slovakia. The publication describes the actual situation of economic migrants in Slovakia and comments on it with regard to the current immigration and integration policies. It observes in greater detail the arriving migrants as a labour force and participants in the Slovak labour market, and also as a source of remittance, and outlines the importance of family networks and the gender dimension.<sup>53</sup>

In 2011, the Slovak Catholic Charity implemented the *Bakhita* project, supported by the European Fund for Integration of Third-Country Nationals in the framework of the Solidarity and Migration Flows Management programme. The project was divided into two parts. In the first part, psychological and pedagogical care was provided to unaccompanied foreign minors at the foster home in Horné Orechové. The second part of the project continues these activities and is still running. In the second part, foreigners with tolerated stay or with a permanent or

51 Information provided by MoLSAF SR.

52 Filadelfiová, J., Gyárfášová, O., Hlinčíková, M., Sekulová, M., *Migranti na slovenskom trhu práce*, 2011, available at <http://www.ivo.sk/6529/sk/publikacie/migranti-na-slovenskom-trhu-prace> (consulted on 27/12/2011).

53 Source: <http://www.ivo.sk/6529/sk/publikacie/migranti-na-slovenskom-trhu-prace> (consulted on 27/12/2011).

temporary residence permit are provided with free accredited courses aimed to facilitate their integration into the labour market and society through obtained qualification.<sup>54</sup>

In 2011, the *Migration and Information Centre (MIC)* established by IOM International Organization for Migration and co-financed with EIF funds and from the state budget of MoI SR continued providing information, consultations and individual counselling about the different aspects of life in Slovakia, such as employment, business, or education, as well as financial contributions to re-qualification and training courses focused on applicants' needs in relation to their integration into the society and the labour market (for more details see Chapters 4.3 and 4.4).

With regard to consulting services, MIC publishes multilingual information brochures. In 2011, MIC published three brochures in several languages: *Directory of Public Authorities and Organisations*; *Answers to Frequently Asked Questions by Foreigners in Slovakia*; and *Social Security of Foreigners in Slovakia*, which also provide useful information for economic migrants.

#### 4.1.3 Developments from the EU Perspective

The SR supports legal migration for work purposes, while maintaining the condition that job vacancies are preferentially filled with registered job-seekers, job-seekers with Slovak citizenship, EU/EEA citizens and citizens of the Swiss Confederation, and only then by third-country nationals.<sup>55</sup> In 2011, the SR did not prepare any specific measures focused on work migration or circular migration, or any other special measures aimed to attract qualified foreigners to perform certain types of jobs.

54 Source: <http://www.charita.sk/stranky/o-projekte-2> (consulted on 03/01/2011).

55 Potočková, I., *Annual Report on Migration and Asylum Policies 2010 Slovak Republic*, European Migration Network, Bratislava, 2011, available at <http://www.emn.sk> (consulted on 27/12/2011).

From a legislative point of view, it is important to note that Act No. 223/2011 Coll. on Changing and Amending Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on Changes and Amendments to Some Acts as Amended entered into force on 20 July 2011. This act transposed into the national legislation the *Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment*. Besides other things, this act introduced the EU Blue Card instrument into the Act on Stay of Aliens and amended the Act on Employment Services by defining the status of Blue Card holders in legal relations under this Act equal to the status of Slovak citizens and by specifying the requirements for documents to be submitted when applying for the EU Blue Card.

The relevant provisions of the directive have also been incorporated into the new Act on Stay of Aliens which entered into force on 01 January 2012 and transposed the *Council Directive 2004/114/EC of 13 December 2004 on the conditions to the admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training, or voluntary services* and *Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research*.

More information is available in section I(b) of the Annex to this Report, which monitors the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

In 2011, the SR did not conclude any bilateral agreement on employment. On the other hand, the Agreement on Youth Mobility with Canada entered into force in 2011, and the Agreement on the Work Leave Programme with New Zealand was signed. These agreements are important with regard to the facilitation of the admission of students and young professionals. For more details refer to Annex I – section I(b).

## 4.2 Family Reunification

### 4.2.1 Developments within the National Perspective

No new policies related to the migration of families were adopted in 2011. From the point of view of legislation, Act No. 120/2011 Coll. and Act No. 180/2011 Coll. entered into force; these acts, among others, amended the Act on Assistance in Material Need. The changed legislation introduced the duty of the local Offices of Labour, Social Affairs and Family to determine the way of providing benefits in material need and supplementary benefits in material need, and the obligation of municipalities to determine the way of providing one-off benefits in material need. The new legislation also extended the category of persons who find themselves in material need and are entitled to receive the activation benefit aimed at obtaining, maintaining or improving their knowledge, professional skills or work habits for the purposes of employment. For more details refer to section II(b) of the Annex to this Report which monitors the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

In 2011, the SC SR delivered a judgement defining the criteria for intervening into the family life of a foreigner in the SR<sup>56</sup>. According to the legal opinion of the SC SR, the conflict between private and public interests should be solved through the requirement for fair balance. This means that intervention into family life should be assessed in causal connection with a threat to the country's national security, and it is also necessary to consider whether or not the refusal of stay in the territory of the SR does unreasonably restrict the foreigner's right to privacy and family life in the SR or whether or not it deprives the foreigner of such right. Pursuant to Art. 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, an individ-

56 Judgement of SC SR No. 15Ža/30/2011 of 12 July 2011, available at [http://www.nssr.gov.sk/data/att/13056\\_subor.pdf](http://www.nssr.gov.sk/data/att/13056_subor.pdf) (consulted on 23/01/2012).

ual's right to respect for his/her family life does not include a general commitment by the contracting states to respect the choice of parents (spouses) when it comes to taking residence in a country of which one of the partners is not a national. Article 8 of the Convention does not guarantee the right to family life in a specific country, but the right to real family life as such. Hence, if the foreigner's behaviour represents a threat to national security, the intervention into his/her family life by depriving him/her from the right to reside in the SR is considered as justified.

### 4.2.2 Developments from the EU Perspective

Changes in legislation were also made in Act No. 223/2011 Coll. which changed and amended Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on Changes and Amendments to Some Acts as Amended. The act introduced into the national legislation the EU Blue Card instrument, and facilitated the conditions of residence in the SR for the family members of Blue Card holders. The preferential status in favour of family reunification enables this category of persons, for instance, to do business and enter into employment relations or other work relations during their residence in the SR. This right has also been obtained by foreigners with temporary residence for the purpose of family reunification who are family members of holders of the next permanent residence permit granted on the basis of a five-year residence as a Blue Card holder within EEA and two-year residence as a Blue Card holder within the territory of the SR.<sup>57</sup> For further information, refer to section I(b) of the Annex to this Report which monitors the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

57 Art. 23, par. 4 of Act No. 48/2002 Coll. on Stay of Aliens and on Changes and Amendments to Some Acts.

On 21 October 2011, the new Act on Stay of Aliens<sup>58</sup> was passed, and entered into effect on 01 January 2012. This act regulates more effectively immigration in relation to families.

For the purpose of a more consistent transposition of the *Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States* and with the aim to maintain family unity in a broader sense, the new act extends the contents definition of the family member of a Union citizens with two categories of third-country nationals.<sup>59</sup>

The new Act on Stay of Aliens also lays down modified conditions for the granting of temporary residence for the purpose of family reunification. This type of temporary residence will be granted to specific family members of third-country nationals with temporary or permanent residence in the SR, specific family members of persons under 18 years of age who have been granted asylum, or to third-country nationals who are dependent persons under an international treaty. The scope of third-country nationals who are unprovided-for single children and are 18 years of age has been reduced. The maximum possible period for granting this type of temporary residence has been extended from two to five years.

The change in favour of third-country nationals with a temporary residence permit for the purpose of family reunification allows them to run a business right after the temporary residence permit has been granted, thus cancelling the 12-month period during which the alien did not dispose of this possibility. An exception is made in the case of third-country nationals who are over 18 years of age unprovided-for single children of a third-country national or of his/her spouse, where such children are not able

58 Act No. 404/2011 Coll. on Stay of Aliens, adopted by the NC SR by Resolution No. 685 of 21 October 2011, available at <http://zbierka.sk/zz/predpis/default.aspx?PredpisID=210523&FileName=zz2011-00404-0210523&Rocnik=2011> (consulted on 23/11/2011).

59 Art. 2, par. 5, letters g) and h).



to take care for themselves due to a long-term adverse health condition, or who are parents to a third-country national or to his/her spouse dependent on the third-country national's care and not receiving reasonable family support in the country he/she comes from.

In order to harmonise *Directive 2003/86/EC on the right to family reunification* with the national legislation, the provisions regulating permanent residence have changed, too. A new element is the introduction of the possibility to grant a national visa to the family members of persons granted asylum and to aliens under subsidiary protection, provided that they do not represent a threat to state security or to public order.

According to the new Act on Stay of Aliens, the extent of the foreigner's integration into the society is only considered when making a decision on the issuance of a permanent residence permit for a five-year period or for an unlimited period of time. However, the extent of integration into the society is not assessed on the basis of language knowledge, education level or professional experience. For more details refer to section I(d) of the Annex to this Report which monitors the implementation of the European Pact on Immigration and Asylum and Stockholm Programme.

## 4.3 Other Legal Migration

### 4.3.1 Developments within the National Perspective

With regard to other legal migration—i.e. promotion of mutual exchange of information about migration through improvement of the existing tools, the raising of awareness about the possibilities and conditions of legal migration and implementation of EU policies and of legislative and other tools—the adoption of the Migration Policy can be considered as a significant event from a national perspective. Among other things, the Migration Policy orders the establishment of information and consultation

centres for migrants to improve their access to information about entry to and residence in the SR and about the living and working conditions, including in their countries of origin. The Migration Policy also states that it is necessary to provide information by means of immigration portals, (multilingual) websites, brochures and leaflets, and to raise general awareness among migrants by means of campaigns about illegal migration, smuggling, human trafficking, and also about the possible risks of work migration and assistance possibilities. In addition to that, the MP deals with labour force emigration, and stresses the need to prepare integration programmes for persons returning from abroad. In this respect, it aims to improve co-operation and raise awareness among relevant entities to allow them to fulfil their tasks in favour of emigrants' communities, and to launch an intensive discussion among experts and the public about the emigration of Slovak nationals. In the near future, the Migration Policy will be detailed in the form of concrete action plans.

The other activities in this area aimed to raise awareness were based on the ones initiated in the previous year. Information about the possibilities of entry, legal residence, visas and about various integration measures can be found at the websites of MoLSAF SR, MoI SR and MoFA SR. Further information is provided through the EURES network.

Yet, no public administration institution provides migrants with complex counselling. Services of this nature are only provided by the *Migration and Information Centre*<sup>60</sup> established by IOM and co-financed with EIF funds and the state budget of MoI SR. Information or consultations about the different aspects of life in Slovakia can be obtained as follows:

- In person, by phone or by e-mail  
MIC provides legal counselling and information about the essential areas of foreigners'

<sup>60</sup> The Migration Information Centre in the SR has been running since 2006. Phase IV of the MIC IOM project was implemented in 2011 (approved on 01 November 2010).

live, such as residence, family reunification, employment, business, citizenship, health-care, social security, education, etc. Counselling is provided in person daily at the MIC premises during opening hours; by phone at the discounted helpline 0850 211 478; and through e-mail consultations at mic@iom.int. In the period from 01 January 2011 to 31 December 2011, MIC in Bratislava and Košice was contacted by 1,531 individual clients by means of e-mail, phone or personal consultation. A total of 2,637 consultations were provided in the reference period. The issues that raised most interest among persons seeking counselling and information were residence in Slovakia, documents and employment.

- Multilingual information brochures

On the basis of counselling services, MIC publishes multilingual information brochures aimed at clients who are not able to visit MIC in person and need to know the basic prerequisites for their stay and the various aspects of life in Slovakia. The brochures are distributed also to other relevant partners who come into contact with foreigners, such as the Aliens Police Department of PF, Slovak embassies abroad, consular offices of foreign countries in the SR, labour offices, and other state and non-state institutions, as well as to other persons interested in these issues within public events. The brochures are published in six languages: Slovak, English, Russian, Vietnamese, Chinese, and Arabic. The brochures are also available in printed and electronic versions.

- Website

The website [www.mic.iom.sk](http://www.mic.iom.sk) contains analytically collected legislative and practical information in three languages (Slovak, English, and Russian) about the main aspects of foreigners' life in Slovakia. As for the depth and extent of the contents, it is a unique information database used by foreigners and by relevant institutions and experts working with integration. According to Google Ana-

lytics statistics, the MIC website had a total of 89,242 absolute unique visitors from unique IP addresses in the period from 01 January 2011 to 31 December 2011; the most viewed sections were those related to temporary residence, family reunification and the conditions to obtain citizenship. The website also offers for download all information brochures and information leaflets published so far.

Information is also provided to foreigners by means of leaflets and brochures prepared by other international or non-governmental organisations, such as UNHCR or the Human Rights League. Information can also be obtained through the TV programme *Integrui! (Integrate!)*, run under the project *Television Programme to Support Foreigners' Integration*. For further details refer to section I(f) of the Annex to this Report which monitors the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

### 4.3.2 Developments from the EU Perspective

With regard to the developments within the EU, the SR worked on updating the data published at the EU Immigration Portal in November 2011. This information concern the possibilities and conditions of legal immigration to the SR (e.g. information about current legislation, or the conditions to be met when an alien wishes to come to the SR for different reasons—for the purposes of study, work, business, etc.).

Slovakia is also involved in the systems of exchange of information about migration at the EU level – through FRAN FRONTEx, CIRCA, ICONET, DSR/MSR Daily Statistics Reports/ Monthly Statistics Reports, ENARO, etc. For further information refer to section I(e) of the Annex to this Report which monitors the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

## 4.4 Integration

### 4.4.1 Specific Context

MoLSAF SR has prepared an important strategic document—the *Concept of Foreigners' Integration in the Slovak Republic* (hereinafter referred to as the "Concept"). This document was adopted by the Government of the SR with Resolution No. 338 of 06 May 2009. The key purpose for adopting the Concept was to gradually harmonise the national legislation with the legislation of the EU and to create a common integration policy of the EU. Also, a summary report on the implementation of measures arising from the Concept of Foreigners' Integration in the SR has been prepared. Detailed information about the Concept is provided in the Annual Report on Migration and Asylum Policies in the SR 2009.

### 4.4.2 Developments within the National Perspective

In general, no significant changes occurred in 2011 with regard to the implementation of the Concept of Foreigners' Integration in the SR. MoLSAF SR is currently working on updating the Concept to bring it into compliance with the plans and objectives of the new Migration Policy. The specific measures of the MP related to integration are detailed in section I(g) of the Annex to this Report which deals with the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

In connection with integration, MoLSAF restored in 2011 the meetings with foreigners' communities, created a new platform *Forum for Integration*, and continued its involvement in the activities of the Inter-Ministerial Expert Commission for Work Migration and Foreigners' Integration (MEKOMIC).

Under the auspices of the Deputy Minister of MoLSAF SR, the international conference *National Dialogue on Integration* was held on 15 November 2011 in Bratislava. The conference

was organised by IOM<sup>61</sup> in co-operation with the National Contact Point of the European Migration Network in the SR and with EIF support. The main objective of the conference was to ensure the mutual exchange of experiences and good practices among selected EU Member State on foreigners' integration, and to work out proposals and recommendations on foreigners' integration. The conference was preceded by a one-day workshop for experts who were trained by IOM in 2010 and 2011 with EIF support. At the conference, IOM presented recommendations to improve foreigners' integration in the SR, as formulated by the workshop participants.

In 2011, the majority of measures concerning migrants and their integration, as well as measures promoting inter-cultural dialogue and contacts, were implemented by international and non-governmental organisations within projects financed through the general programme Solidarity and Migration Flows Management and co-financed with the budget of the MoI SR. The following projects were carried out, in particular:

- *Migration Information Centre to Support Foreigners in Slovakia (Phase IV)*<sup>62</sup>. Besides the counselling services described in Chapter 4.3.1, MIC also carries out other activities aimed to help foreigners' integration in the SR, specifically:

#### » Training and re-qualification courses

MIC provides financial contributions to re-qualification and training courses meeting applicants' needs in connection with their integration into the society and finding a job (such as professional IT training, book-keeping, language courses, etc.). In the period from 01 January 2011 to 31 December 2011, MIC received applications for training/re-qualification courses from 96 clients. Upon assessment of the clients' profiles, the

Commission granted contributions to 34 applicants.<sup>63</sup>

#### » Low-threshold Slovak language courses

MIC organises in its premises low-threshold Slovak language courses for foreigners. The courses are held twice a week for beginners and twice a week for advanced participants. The low-threshold course is free of charge, and each meeting is a separate, closed, thematic block aimed to teach basic language knowledge in a given field. In the reference period from 01 January 2011 to 31 December 2011, a total of 254 persons were involved in these training courses with three training cycles for 28 participants each (beginners), and with 15 topics for advanced participants.

#### » Labour and social counselling and related information materials

With the aim to improve integration in the labour market, MIC provides foreigners with individual labour counselling (orientation on the labour market, preparation of a CV and of a motivation letter, assistance in the assessment of skills and qualification, preparation for an interview, assistance in communication with employers, and assistance in seeking a job), and social counselling (contacting institutions and assistance in getting social security benefits, seeking of accommodation, intervention and counselling in crisis situations, field social work). In the reference period from 01 January 2011 to 31 December 2011, co-counselling was provided to 477 individual clients during 933 consultations in total. As for field work, the MIC staff team provided counselling directly at clients' workplaces, presented MIC activities, and distributed information materials. The information leaflets, unlike brochures, flexibly react to clients' needs and current legislative changes. Their objective is to raise awareness

about the different procedures and about the rights and obligations of foreigners in the different areas of their life in Slovakia. Depending on the topic and the interest of the target group, the leaflets are published in six languages: Slovak, English, Russian, Vietnamese, Chinese and Arabic; and are available in printed and electronic forms. The leaflets are prepared not only for foreigners, but also for employers who hire or seek to hire foreigners.

#### » Co-operation with foreigners' communities and promotion of inter-cultural exchange

In order to improve the organisation of the community life of foreigners and promote the inter-cultural exchange between these communities and the general population, MIC collaborates with a network of cultural mediators for the different communities of foreigners. The task of cultural mediators is to deliver to the community useful information about integration and act as mediators in communication between the migrants' communities and the general population. In total, MIC collaborates with 28 cultural mediators. In the reference period from 01 January 2011 to 31 December 2011, cultural mediators organised, with financial support and in co-operation with MIC, 24 multi-cultural information meetings. The multi-cultural meetings in their different forms (e.g. cultural and sports events, lectures, discussion groups) allowed for informal meetings of the communities and a more formal presentation of the communities' cultures to the general public. For the purpose of building the capacities of cultural mediators and representatives of foreigners' communities, three training courses were organised in 2011, focusing on the context of migration and inter-culturalism, the legislative and institutional framework of the immigration and integration policies in Slovakia, cultural mediation, and engagement of the cultural mediator in the integration process. 16 cultural mediators were trained, obtaining skills and compe-

61 Within the project Migration Information Centre to Support Foreigners in Slovakia (Phase IV).

62 For more details refer to [www.mic.iom.sk](http://www.mic.iom.sk) (consulted on 22/12/2011).

63 These contributions were granted on the basis of applications presented during the reference period from 01 January to 31 December 2011.



tences leading to further professional development of their activities.

#### » Training courses

From 01 January 2011 to 31 December 2011, MIC prepared six training courses with regional coverage for all Slovak regions, with the participation of 126 relevant actors. The training courses focused on the building of inter-cultural and communication skills, provision of general information about migration with an emphasis on the positive aspects of migration, and exchange of experience in problematic areas. The training courses also contained an exchange of opinions on the proposals for improvement of co-operation between the institutions involved, about the possibilities of reducing the administrative burden and of creating an informal network of representatives of institutions to react more flexibly to problems they face and use the services of trained cultural mediators in their work with foreigners. One of the outcomes is final proposals to improve the approach to foreigners and make the cooperation between the different actors more effective. In order to promote the exchange of information within the informal network of the representatives of different institutions with cultural mediators, a webpage *Platform for Dialogue* has been created and placed under the website [www.mic.iom.sk](http://www.mic.iom.sk).

- *Television Programme to Support Foreigners' Integration* – produced by the Local Media Institute. The television programme *Integruj! (Integrate!)*, broadcasted on Channel 2 of the public television and in several regional and local televisions, provides migrants and the general public with information about the lives of migrants in Slovakia, practical information for migrants (education, job opportunities, legislative requirements for legal residence, etc.), and about multi-cultural meetings and meetings of migrant communities.<sup>64</sup>

<sup>64</sup> For more details refer to <http://www.integruj.sk> (consulted

- *Časy nových menšín (The Times of New Minorities)* – the project activities aim to raise the awareness of the Slovak public about the life, culture and traditions of new minorities living in Slovakia and their status in the society. In the project framework, a several-day festival *The Week of New Minorities (Fjúžn)* was held in Bratislava. One of the aims of the festival was to develop relations between the communities and offer them room for their presentation. The festival was followed by independent cultural and social events. The main organiser of this activity was the Foundation of Milan Šimečka.<sup>65</sup>
- *BAKHITA* – free nursing courses were organised within the project for third-country nationals with permanent or temporary residence or tolerated stay in Slovakia. The project has been implemented by the Slovak Catholic Charity.<sup>66</sup> For more information refer to Chapter 4.1.2).
- *Improvement of the possibilities of third-country nationals' integration at the local level* – the project aims to draw the attention of the integration actors at the local level to migration and integration issues in the context of regional development. To reach this objective, various information about integration at the local level (statistical data, information about legislation and public policies, interesting examples of integration at the local level from abroad, etc.) was collected and then regularly delivered to the actors working in the field of migrants' integration at the local level (through a bulletin and an information website). The project was implemented by the Centre for the Research of Ethnicity and Culture.<sup>67</sup>

For further information refer to section 3(f) of the Annex to this Report which monitors the

on 25/11/2011).

<sup>65</sup> Source: <http://www.nadaciamilanasimecku.sk/index.php?id=150> (consulted on 25/11/2011).

<sup>66</sup> Source: <http://www.charita.sk/stranky/o-projekte-2> (consulted on 25/11/2011).

<sup>67</sup> Source: <http://www.cvek.sk/main.php?p=projekty&lang=sk#anch125> (consulted on 25/11/2011).

implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

### 4.4.3 Developments from the EU Perspective

All the projects mentioned in the previous chapter have been financed with European funds; hence, developments from the national perspective and the EU perspective overlap.

A representative of the SR regularly attends the meetings of the integration working group of the National Contact Points, and the obtained information is transposed and assessed with regard to Slovakia's conditions.

### 4.5 Citizenship and Naturalisation

In 2011, no developments were reported in this area.

# 05

## Irregular Immigration and Return

### 5.1 Irregular Immigration

#### 5.1.1 Developments within the National Perspective

Besides the new Act on Stay of Aliens, which entered into force on 01 January 2012 and has an impact on illegal migration (for more details refer to Chapter 5.1.2), illegal migration is also dealt by a special chapter of the Migration Policy. The Slovak Republic stresses in the MP that it efficiently fights against all forms of illegal migration, taking into consideration the human rights aspects connected with this phenomenon. The MP also emphasises the need to cooperate with EU countries, transit countries and the countries of origin of migrants; the implementation of legislative, organisational and administrative measures to prevent illegal migration in the field of control and sanctions in cases of illegal employment of migrants; the implementation of measures to increase the security of documents protection and the application of technical devices to detect the forging and falsification of documents; and performance of security checks of foreigners to verify invitations or grant residence permits.

The policy aimed at the prevention of the risks of illegal migration is also implemented through the measures specified in the National Plan of Border Control Management of the SR for the Period 2011–2014.<sup>68</sup>

From the point of view of the media, illegal migration issues represent the most reported area of migration. In 2011, the media informed about individual cases of illegal migrants captured nearby the external border; these persons were staying in the SR illegally and were either expelled or they applied for asylum. These sporadic reports did not raise wider public debate, nor had they an impact on changing the legislation or on the political debate in the parliament. The BBAP PFP also informs about these cases in

<sup>68</sup> Approved by Government Resolution No. 473 of 06 July 2011.

the respective section of the Mol SR website.<sup>69</sup>

#### 5.1.2 Developments from the EU Perspective

In 2011, two directives with an impact on illegal migration were transposed into the Slovak legislation.

On 20 July 2011, Act No. 223/2011 Coll. entered into effect. This act amended Act No. 48/2002 Coll. on Stay of Aliens and on Changes and Amendments to Some Acts (Act on Stay of Aliens) and transposed the *Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals*. Hence, the Act on Stay of Aliens introduced a new reason for granting the tolerated stay in cases of illegal employment to a third-country national who was illegally employed under particularly exploitative work conditions or to an illegally employed minor, if their presence in the SR is inevitable for the purposes of criminal proceedings.

This Directive was also transposed through Act No. 223/2011 Coll. on Changing and Amending Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on Changes and Amendments to Some Acts as Amended. This amendment law explicitly extends the former general prohibition of illegal employment to illegally staying third-country nationals, and the category of persons bound by this prohibition is extended to include natural persons who are not entrepreneurs. In case this prohibition is violated, the sanctions include, besides fines, employer's exclusion from participating in public procurement and the obligation to make other specific payments. Although the responsibility for sanctions is primarily borne by the illegally employing employer, the amendment act allows for the shift of responsibility to other specific persons involved in the respective supply of work, goods

<sup>69</sup> Refer to <http://www.minv.sk/?aktuality-3> (consulted on 09/01/2012).

and services. The responsibility for illegal employment ceases the moment the employer has fulfilled the new obligation to request from the third-country national a document authorising the third-country national to reside in the SR before admitting them to work, and to inform the local Office of Labour, Social Affairs and Family about the start of employment within the set deadline, without having knowledge about the document being falsified. The control authorities are obliged to regularly identify the sectors with the highest risk of illegal employment and carry out controls mainly in these risk sectors. At the same time, the act introduced the obligation of the National Labour Inspectorate to provide the European Commission, on an annual basis, with information about performed checks and their outcomes. In addition to that, a list of illegal employers is published in the National Labour Inspectorate's website.<sup>70</sup>

The relevant provisions of the Directive are also transposed into the new Act on Stay of Aliens.

The new Act on Stay of Aliens also transposes the *Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Returns Directive)*, changing the definition and the reasons for administrative expulsion, as well as enforcement of the decision on administrative expulsion and the deferral thereof. The imposition of the prohibition of entry will not be automatically a part of the decision on administrative expulsion, but an option available to the police department, and the period of the prohibition of entry can vary depending on the reason for administrative expulsion. The new act re-defines the categories of persons which can be expelled only if they represent a serious threat to state security or public order. An important piece of news is the new alternative to detention in the form of the obligation of a third-country national to regularly report their residence or to give financial bail, which is only admissible if the third-country national proves

<sup>70</sup> The list is published at [www.safework.gov.sk/register/](http://www.safework.gov.sk/register/) (consulted on 22/12/2011).

accommodation and financial coverage of their stay.

The reasons for detention have expanded to third-country nationals under administrative expulsion proceedings with the aim to ensure their departure if there is a risk that they would escape or try to avoid or prevent the process of preparation to enforce their administrative expulsion. For more details, refer to section II(a), (c) and (g) of the Annex to this Report monitoring the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

In 2011, the SR continued combatting illegal migration in co-operation with FRONTEX agency and with other EU countries, as well as with countries of origin and transit countries in the framework of international projects.

## 5.2 Return

### 5.2.1 Specific Context

In the SR, the *Voluntary Returns Programme* was launched with the signing of the Agreement on Co-operation between the Ministry of Interior of the SR and the International Organisation for Migration on 20 August 1998 on assistance in the return of unsuccessful asylum seekers and illegal migrants to their country of origin. The legal basis for voluntary returns is given, besides the aforementioned agreement, by the Act on Stay of Aliens and Asylum Act. Voluntary returns in the SR are carried out exclusively by IOM in close co-operation with BBAP PFP.

### 5.2.2 Developments within the National Perspective

A part of the Migration Policy deals with returns, stressing that the SR will continue preferring the possibility of assisted returns of foreigners to their countries of origin to forced returns, while insisting on rigorous enforcement of judicial

and administrative expulsions. The SR enforces repressive measures in the form of forced returns of migrants who violate the Slovak legislation. Forced return is applied where all other means have been exhausted to ensure respect by the migrant of the decision of the administrative authority or judicial authority and his/her actual departure from the SR.

An important tool for the regulation of migration in this field are readmission agreements at the EU level or bilateral agreements concluded with selected transit countries or countries of origin of migrants. In 2011, no readmission agreements at the bilateral level were concluded in 2011.

### 5.2.3 Developments from the EU Perspective

At present, voluntary returns from the SR to third countries are executed through the European Return Fund. The projects implemented by IOM include, besides returns and return assistance, individual pre-return counselling, granting of a return financial contribution, and post-return reintegration assistance to selected beneficiaries in the form of support to the implementation of approved business plan, assistance in job-seeking, material assistance, legal counselling, education support, assistance in seeking accommodation, and healthcare. At the same time, an information help-line and a website have been run, and a campaign was launched to raise the awareness in the target group about the possibility of return. In 2011, a total of 117 persons were registered in the voluntary returns programme and 95 returns were carried out.

The total number of reintegration grants in 2011 is 26. Most of the grants were provided to returnees from Vietnam and Ukraine.

## 5.3 Actions against Human Trafficking

### 5.3.1 Developments within the National Perspective

The Government of the SR adopted the new National Programme to Combat Human Trafficking for the Period 2011–2014 with Resolution No. 96 of 16 February 2011. The programme aims to promote the development of mutual understanding and coordinate the work of all stakeholders in order to eliminate the risks of and prevent crimes of human trafficking, and to create conditions for the provision of assistance and support to victims of human trafficking, and ensure the protection of their human rights and dignity.

Trafficking in human beings is also dealt by the Migration Policy which, in this area, operates based on the National Programme. The National Programme further stresses the need to promote control mechanisms to monitor work agencies offering employment abroad, the granting of licenses and the regulation of these activities; and to raise general awareness—through information campaigns—on illegal work, smuggling, human trafficking and on the potential risks of work migration and the possibilities of assistance, as well as on the need to develop international co-operation and reintegration of the victims of human trafficking. Special attention is paid to child victims of trafficking.

The Programme of Support and Protection of the Victims of Human Trafficking continued to run in 2011. Under this programme, upon returning to their countries of origin the victims of human trafficking are provided with reintegration assistance, including social, psychological and legal counselling, health assistance, work integration, ensuring safe accommodation, and financial contributions to cover their basic needs. Potential clients or external referring organisations that come into contact with

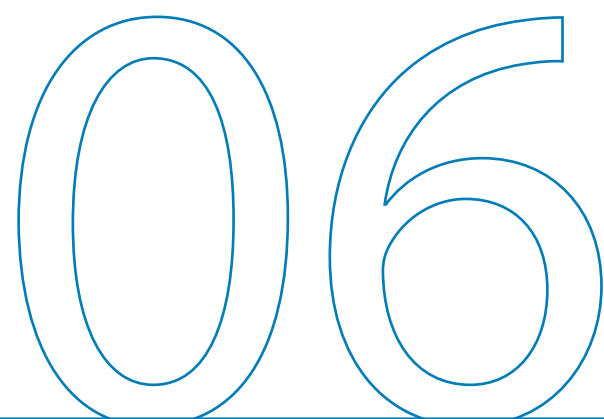
persons who have become victims of human trafficking are provided with expert consultations, counselling and crisis assistance. The National Helpline for the victims of human trafficking continued operating, and several training courses were held, as well. A new campaign on combating human trafficking was launched in 2011, and a methodological film about these issues was produced<sup>71</sup>. For further details refer to section II(e) of the Annex to this Report which monitors the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

### 5.3.2 Developments from the EU Perspective

In 2011, the SR was involved in the preparation of the manual for the border police *Identification of Potential Victims of Trafficking in Human Beings upon Border Controls* produced by FRONTEX agency. For further details refer to section II(e) of the Annex to this Report which monitors the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

<sup>71</sup> Also available at <http://www.minv.sk/?rozbiehame-komunikacnu-kampan> (consulted on 11/01/2012).





## Border Control

### 6.1 Control and Surveillance at External Borders

#### 6.1.1 Developments within the National Perspective

As for the national perspective, a number of important events happened in the field of border control and protection.

On 6 July 2011, the Government of the SR approved the National Plan of Border Control Management of the SR for the Period 2011–2014 with Resolution No. 473 of 06 July 2011. The National Plan is a planning document and its contents is based on the new Schengen acquis adopted after Slovakia's entry to the Schengen Area and on other strategic documents of EU institutions and bodies adopted in the given period. The structure of the new National Plan is adapted to the four-level model of control of IBM access in the SR in accordance with the updated Schengen EU Catalogue of Border Control, Return and Readmission<sup>72</sup>. The National Plan includes a Schedule of Tasks arising from the National Plan of Border Control Management for the Period 2011–2014. The tasks in the schedule cover the different areas of the IBM systems and involve, for example, systemic measures associated with the control of external borders of the SR, risk analysis related to Slovak border control, training on border control, etc.

The newly adopted Migration Policy also contains a separate chapter on border control. This document, too, stresses that the SR ensures border control in compliance with the Schengen acquis. The MP mainly emphasises the introduction and development of technical facilities for border control, the use of modern technologies, promotion of co-operation with EU countries and within FRONTEX, and the training of competent staff.

<sup>72</sup> Document of EU Council No. 7864/09 SCH-EVAL 48 COMIX 252

In 2011, the new Act on Stay of Aliens was prepared. This act merged the former Act on Stay of Aliens and the Act on State Border Protection<sup>73</sup>. With regard to border issues, this law fully reflects Slovakia's membership in the Schengen Area and fully complies with the Schengen Border Code in terms of terminology.

As for practical activities, a number of training courses for the Border Service and Aliens Police Service staff were held in 2011, such as the European Training Day, training courses on the detection of false and forged travel documents, visas, ID cards, residence permits, etc. They also attended language training and training courses organised in the framework of FRONTEX agency. In 2011, the technology was partly replaced.

In 2011, the SR launched or implemented several projects supported with the External Borders Fund focused primarily on the technical equipment at the external border with Ukraine.

For further details refer to section III(e) of the Annex to this Report which monitors the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

#### 6.1.2 Developments from the EU Perspective

The SR continues developing intensive co-operation with FRONTEX agency and implementation of tasks under the pilot project of EUROSUR European Border Surveillance System. On 24 May 2011, the SR signed the *Memorandum of Understanding EUROSUR*. An inspection visit to the BPD in Sobrance by FRONTEX headquarters staff was carried out on 24 October 2011. During the visit, Slovakia was evaluated as one of the EU countries best prepared for the EUROSUR system.

<sup>73</sup> Act No. 477/2003 Coll. on State Border Protection and on Changes and Amendments to Some Acts, as Amended.

### 6.2 Cooperation with Respect to Border Control

#### 6.2.1 Developments within the National Perspective

Besides the development summarised in Chapter 6.2.2, no specific development in relation to control and guard at the external borders occurred at the national level.

#### 6.2.2 Developments from the EU Perspective

Pursuant to Article 8 of the Regulation (EC) No. 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas, it is possible to issue visas on behalf of another Member state on the basis of bilateral agreements on representation. In this regard, the SR concluded agreements on representation and appendices thereto with other EU Member States: Hungary, Austria, Slovenia, the Czech Republic and Latvia. Agreements on representation with Poland, Lithuania, Germany and Spain are under preparation. With the launch of VIS on 11 October 2011, the SR started issuing visas with two biometric identifiers (photo and fingerprints) at the embassy in Cairo (North African region). Other embassies issue visas with only one biometric identifier — a photo. All Slovak embassies issuing visas are equipped with devices for fingerprint collection.<sup>74</sup>

In 2011, the SR continued participating in operational activities organised by FRONTEX. The SR deployed a technology expert to the operation in North Africa, and selected police staff members were involved in the RABIT operation at the Greek-Turkish border. In addition to that, the SR was engaged in the METEOR and JUPITER operations.

For further details refer to section III(d) of the Annex to this Report which monitors the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.

<sup>74</sup> Data provided by MoFA SR.





## International Protection, Including Asylum

### 7.1 Developments within the National Perspective

Refugee migration in the SR is principally characterised by a continuing declining trend in the number of asylum applications compared to the previous period<sup>75</sup>. In 2011, asylum was requested by 491 persons, which is the smallest number since 1995. Compared to the previous year, the number of asylum seekers who were granted asylum was relatively stable—in 2011, asylum was granted to 12<sup>76</sup> asylum seekers; in 2010, MO Mol SR granted asylum to 15 persons (for comparison, 14 asylums were granted in 2009). On the other hand, in 2011 MO Mol SR provided subsidiary protection to 91 persons, which is an increase by 34 cases compared to 2010. In 2011, the asylum granting procedure was suspended in 269 cases, and asylum was not granted in 186 cases, which is more than in 2010 when asylum was refused in 180 cases. Citizenship was granted in seven cases, which is an increase compared to 2010 when citizenship was granted to three persons.<sup>77</sup>

Just as in the case of other migration issues, asylum is also dealt with separately in the Migration Policy, with Slovakia declaring support to the adoption of a common EU asylum system. In the field of asylum policy, the SR complies with its traditional pillars and supports new forms of protection following the new challenges faced by the international community. The SR provides protection in the form of asylum and subsidiary protection, as well as temporary shelter. The SR supports EU activities related to the resettlement of third-country nationals through transfer on the basis of trilateral agreements between the Government, UNHCR and IOM. In

<sup>75</sup> In 2010, asylum in the SR was granted to 541 persons; in 2009, asylum in the SR was requested by 822 persons, in 2008 by 909 persons, in 2007 by 2,643 persons, and in 2006 by 2,849 persons; compare with the year 2004 when asylum in the SR was requested by 11,395 persons. The data is available at <http://www.minv.sk/?statistiky-20> (consulted on 18/01/2012).

<sup>76</sup> The statistical data of MO Mol SR is available at <http://www.minv.sk/?statistiky-20> (consulted on 18/01/2012).

<sup>77</sup> MO Mol SR, Annual Statistics, available at <http://www.minv.sk/?statistiky-20> (consulted on 18/01/2012).

connection with the migration burden sharing with EU countries, the SR implements aid programmes for particularly burdened countries in the framework of the relocation of foreigners under international protection.

From a practical view, the trilateral agreement between the Government of the SR, UNHCR and IOM on humanitarian transfer through Slovakia of refugees who need international protection was concluded on 22 December 2010. Under this agreement, partly co-financed by the European Refugee Fund, the SR would provide humanitarian aid to 100 refugees and persons under international protection for a period of six months after their entry to the SR in 2011 and 2012. In May 2011, 46 Afghan women and children arrived in Slovakia and subsequently left the country and were permanently relocated in a third country. In December 2011, another group of 40 Somali refugees from Eritrea arrived in the SR and were provided with temporary shelter. The refugees were accommodated in the asylum facility of the MO Mol SR in Humenné in which they will stay, similarly as the previous groups, for a period of six months while they are gradually relocated to third countries.

### 7.2 Developments from the EU Perspective

Slovakia plans to get actively involved, through MO Mol SR, in the continuation of the pilot project *EUREMA II Relocation of Refugees from Malta within the EU*, which will be financed by the European Refugee Fund. The SR aims to relocate through the project ten persons who were granted international protection in Malta, the target group being families with children and single parents with children. The grant application was submitted in October 2011. At present, the project selection and approval process is in place.

The SR supported the creation of the European Asylum Support Office (EASO), which has been fully operational since June 2011. The tasks of

this office involve coordination and support of practical co-operation among EU Member States and of a common training system, to create the platform for information about countries of origin, create asylum support teams, and carry out activities to promote solidarity. The SR appointed its representatives to asylum support teams and was actively engaged in these teams through its representative from MO Mol SR within a project to support Greece in the setting up of a system for the admission of asylum seekers to asylum facilities.

In 2011, the SR participated in the final conference on the joint UNHCR, IOM and ICMC project *Promotion of Resettlement in the EU through Practical Co-operation by EU Member States and Other Stakeholders* which was joined by Slovakia in 2010. The main objective of the project was to promote wider involvement of EU Member States in resettlement activities by promoting co-operation between EU Member States through the support of several stakeholders and a coordinated practical approach; the support of practical and logistical co-operation between the EU Member States which implement resettlement programmes, inter-connecting the different phases of the resettlement process (pre-flight health inspections, cultural and orientation programmes, transport as such, etc.); the support and promotion of admission services and capacities; and the formulation of recommendations for the initial phase of the integration of resettled persons into the society.

## 8.1 Developments within the National Perspective

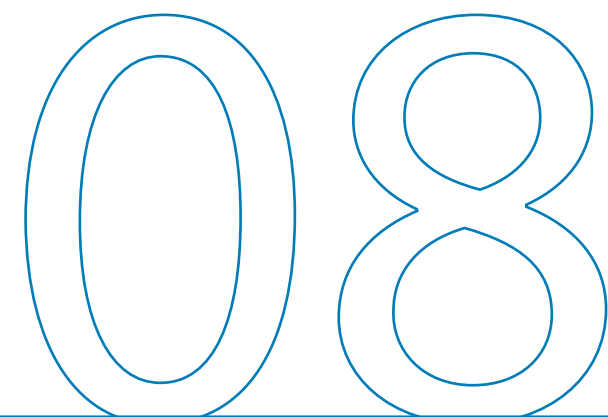
In 2011, no specific significant development in relation to unaccompanied minors or other vulnerable groups occurred in the SR.

## 8.2 Developments from the EU Perspective

As for the impacts and developments from the EU perspective, no significant development in relation to unaccompanied minors occurred in the SR in 2011.

In 2011, the SR joined two regional projects concerning unaccompanied minors: *Best practice and coordination of the access to care for unaccompanied minors and former unaccompanied minors seeking asylum* and *Improvement of the quality of nursing and care for unaccompanied minors—asylum seekers in Central European countries*.

For further details refer to section 5(a) of the Annex to this Report which monitors the implementation of the European Pact on Immigration and Asylum and the Stockholm Programme.



## Unaccompanied Minors and Other Vulnerable Groups

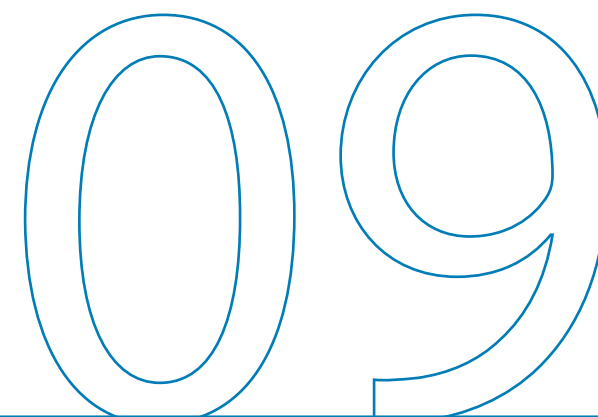
## 9.1 Specific Context

On the initiative of MoFA SR, the Government of the SR approved on 04 March 2009 the *Middle-Term Strategy of Official Development Aid of the Slovak Republic for the Period 2009–2013*. This conceptual and strategic document represents the basis for all planning and programming documents on official development aid for the next five years. This strategy reflects the development of foreign policy interests of the SR, the changes achieved by Slovakia as a new donor since 2003—including completion of the development aid system—, experience obtained in the provision of development aid, and Slovakia's commitments arising from its membership in the EU.<sup>78</sup>

## 9.2 Developments within the National Perspective

As with other sub-chapters, the Migration Policy deals with migration and development issues in a separate chapter. The SR declares in this document the importance of a systemic approach and elaboration on this phenomenon according to the current migration situation. The Migration Policy stresses the need for a systemic promotion of coherence between migration and development policies, and a deeper incorporation of migration issues into the development policy in relation to priority countries. It also emphasises the need for a targeted orientation of development aid on the priority countries for Slovak development aid and, in justified cases, to other countries relevant from the point of view of migration flows to the SR/EU, and the need to regularly conduct analyses for this purpose. The document also stresses the need to use the potential of temporary and circular migration and of the return policy in the elimination of illegal migration and brain drain of highly-qualified and qualified labour forces along with the development of third countries.

<sup>78</sup> Potočková, I., *Annual Report on Migration and Asylum Policies 2010 Slovak Republic*, European Migration Network, Bratislava, 2011.



## Global Approach To Migration

### 9.3 Developments from the EU Perspective

In 2011, the SR carried out specific projects of official development aid with an explicit migration element:

- *A House Midway (Bosnia and Herzegovina)*
- *Activities for Libyan children (Tunisia)*
- *Equal opportunities and subsistence for Bosnians, Serbians and Croats affected by explosions of landmines – Fruit, Not Mines*

With regard to development co-operation, the Government of the SR approved on 02 November 2011 the draft Agreement between the Government of the Slovak Republic and the Government of the Republic of Kenya on Development Co-operation. The purpose of this agreement is to promote co-operation in the implementation of the programme of official development aid of the SR.

### 10.1 Transposition of EU Legislation 2011

***Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment***

- The deadline for the transposition of the Directive was 19 June 2011.
- The Directive was transposed into the national legislation through Act No. 223/2011 Coll. on Changing and Amending Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on Changes and Amendments to Some Acts as Amended, effective from 20 July 2011.
- The Act on Stay of Aliens introduced the EU Blue Card instrument<sup>79</sup> for highly qualified third-country nationals in order to facilitate their stay and access to the labour market within the EU. The Act on Employment Services defines an equal status of EU Blue Card Holders to the status of Slovak citizens, and specifies the requirements for documents to be presented with the application for the EU Blue Card.

***Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals***

- The deadline for the transposition of the Directive was 20 July 2011.
- The Directive was transposed into the national legislation through Act No. 223/2011 Coll. on Changing and Amending Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on Changing and Amendment to Some Acts as Amended, effective from 20 July 2011.
- This amendment act specified in the Act on Illegal Work and Illegal Employment the provisions on illegal employment and on the control activities of competent authorities, and

<sup>79</sup> For details about the changes refer to section 1, II(g).

## Implementation of EU Legislation

extended the sanctions in connection with illegal employment.<sup>80</sup> A new reason for granting tolerated stay in cases of illegal employment was introduced into the Act on Stay of Aliens.<sup>81</sup> The act on Employment Services laid down new obligations for employers with regard to the employment of foreigners<sup>82</sup>. The Directive was partially transposed into the Act on Labour Inspection, the Act on Public Procurement, and the Act on the Budget Rules for Public Administration.

***Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Returns Directive)***

- The deadline for the transposition of the Directive was 24 December 2010, except for Article 13, par. 4, which was due to be transposed by 24 December 2011.
- Except for Article 13, par. 4, the Returns Directive was transposed into the Act on Stay of Aliens through Act No. 594/2009 Coll. with effect as of 15 January 2010.
- Through Act No. 332/2011 Coll., Article 13, par. 4 of the Directive on legal assistance will be transposed to the Act on Provision of Legal Assistance to Persons in Material Need<sup>83</sup> with effect as of 01 January 2011. This amendment extends the scope of activities of the Legal Aid Centre with legal assistance provided in administrative expulsion proceedings, administrative court proceedings and in proceedings at the Constitutional court of the SR. The prerequisite for the provision of legal assistance is the existence of a decision on administrative expulsion and an application for legal assistance by the third-country national who does not have a representative and finds

themselves in material need.

- For the purpose of a more consistent harmonisation of the national legislation with the Directive, the new Act No. 4040/2011 Coll. on Stay of Aliens, effective from 01 January 2012, modifies the provisions concerning administrative expulsion and detention.<sup>84</sup>

## 10.2 Experiences, Debates in the (Non-)Implementation of EU Legislation

Directive 2009/50/EC was originally planned to be transposed into the new Act on Stay of Aliens prepared by the Mol SR. Due to the large number of comments on the draft bill and the complexity of related issues, the legislative process was extended, which was undesirable in relation to the fulfilment of the commitments arising from Slovakia's membership in the EU. After the mutual agreement between MoLSAF SR and Mol SR, the Directive 2009/50/EC (due to be transposed into the Slovak legislation by 19 June 2011) was incorporated into the draft Act No. 223/2011 Coll. The draft Act No. 223/2011 was amended by amendment Act No. 48/2002 Coll. on Stay of Aliens and by amendment Act No. 145/1995 Coll. on Administrative Charges with provisions on the Blue Card.<sup>85</sup>

In connection with Directive 2009/50/EC, the Commission initiated on 18 July 2011 a procedure in the case of a failure to fulfil an obligation under the Treaty on the Functioning of the European Union pursuant Articles 258 to 260 thereof (formal notice). Directive 2009/50/EC was fully transposed through Act No. 223/2011 Coll. with effect from 20 July 2011.<sup>86</sup>

In 2011, no other significant debates about the implementation of EU legislation into the national legislation in the field of migration and asylum were held.

<sup>80</sup> For details about the changes refer to section 5, II(g).

<sup>81</sup> For details about the changes refer to section 5, II(a).

<sup>82</sup> For details about the changes refer to section 1, I(a).

<sup>83</sup> Act No. 327/2005 Coll. on the Provision of Legal Assistance in Material Need and on Changes and Amendments to Act No. 586/2003 Coll. on Advocacy and on Changes and Amendments to Act No. 455/1991 Coll. on Trade Licensing as Amended by Act No. 8/2005 Coll.

<sup>84</sup> For details about the changes refer to section 5, II(c).

<sup>85</sup> Explanatory Report on the Draft Act on Changing and Amending Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on Changes and Amendments to Some Acts as Amended.

<sup>86</sup> Clause of compatibility of the legal act with the Law of the European Union, Government Draft Act on Stay of Aliens and on Changes and Amendments to Some Acts.



# Annex to National Policy Report 2011 on Commitments in the European Pact on Immigration and Asylum and Stockholm Programme

## LEGAL IMMIGRATION AND INTEGRATION

### 1. Economic migration

#### 1.1 European Pact on Immigration and Asylum

The commitments in the Pact relevant to this sub-section are the following:

##### ***I(a) Implement policies for labour migration***

In the Slovak Republic, legal immigration from third countries has not been regulated yet by setting quotas for certain groups of economic migrants from third countries or by publishing a list of jobs.

The year 2011 has brought amendments to the Migration Policy of the SR. On 31 August 2011, the Government of the SR adopted the document *Migration Policy of the Slovak Republic with a Perspective until 2020* (hereinafter referred to as "MP"). The contents and nature of the document follows the Migration Policy Concept of the Slovak Republic (2005) and is based on the developments of the migration situation and needs of the Slovak Republic, especially in the field of economic migration.

The MP aims to promote the admission of economic migrants and employment of migrants in line with the needs of the national economy and the labour market with an emphasis on admitting highly-qualified migrants, scientific workers, and, if needed, other qualified migrants to fill up jobs with lacking labour forces. Further to the analysis of the needs of the national economy and the labour market and on the basis of these analyses and economic benefits of the different groups of economic migrants, it is planned to adopt regulatory and control measures to ensure a balance on the labour market and within the entire economic migration area, and to introduce a rating system and job lists.<sup>87</sup>

Under the MP, all ministries must work out their own action plans and specify the individual migration policy measures therein. The ministries' action plans are at the stage of preparation and are expected to be completed by the end of 2011 for a period of two years, and subsequently reviewed every two years.

One of the measures adopted under the MP SR is the establishment of an Immigration and Naturalisation Office (INO) which is expected to ensure cross-sectoral implementation of the migration policy of the SR.

From the point of view of legislation, Act No. 223/2011 Coll. which entered into force on 20 July 2011 should be mentioned here. This act amended Act No. 5/2004 Coll. on Employment Services and on Changes and Amendments to Some Acts by extending the obligations of employers related to the employment of the nationals of EU Member States and third-country nationals. These obligations are incorporated in the new provision of Art. 23a and include the employer's obligation to request from a third-country national, prior to employing them, a valid residence document or any other residence permit under a special regulation or to keep a copy of such document throughout such employment. The employer is also obliged to inform the Office of Labour, Social Affairs and Family in writing about the start and end of employment of a third-country national or a national of a EU Member State and their family members not later than seven working days following the start of employment and not later than seven working days following the end of employment.

The impacts of the economic crisis influenced the situation on the Slovak labour market also in 2011. In spite of the economic growth at an expected rate of 3.6 per cent in 2011<sup>88</sup>, the employment sector continues to face big problems. The economic growth has mostly been achieved through labour productivity whose growth has, unfortunately, slowed down.<sup>89</sup> In 2011, there has been a very slight year-to-year increase in the number of migrants employed in the SR through employment permits. From the point of view of foreigners' employment, the SR has neither implemented restrictive measures, nor any special measures aimed at setting quota or a negative list of jobs for labour migration.<sup>90</sup> Hence, the scope of labour immigration has not been limited and has depended on the labour market needs.

##### ***I(b) increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers***

Act No. 223/2011 Coll. on Changing and Amending the Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on Changes and Amendments to Some Acts, as Amended, transposed into national legislation the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. In effect as of 20 July 2011, the EU Blue Card instrument was introduced in the Act No. 48/2002 Coll. on Stay of Aliens and on Changes and Amendments to Some Acts (Act on Stay of Aliens).

The Blue Card is a new type of temporary residence permit which can be requested by third-country nationals for the purposes of highly qualified employment in the SR. The basic prerequisite to obtain the Blue Card is higher professional qualification in the form of university education or a document proving professional experience of a minimum of five years, recognised by the Centre for the Recognition of Education Documents of MoESRS SR. Another condition is to have a labour contract or an employer's written promise to employ the alien for a minimum period of one year. The agreed salary must be a minimum 1.5 times the average wage in the national economy<sup>91</sup> of the SR in the given sec-

<sup>88</sup> Analysis of Slovak Economy's Convergence. National Bank of Slovakia. July 2011. Available at [http://www.nbs.sk/\\_img/Documents/PUBLIK/Lalinsky-Analyza\\_konvergenzie\\_slovenskej\\_ekonomiky\\_2011.pdf](http://www.nbs.sk/_img/Documents/PUBLIK/Lalinsky-Analyza_konvergenzie_slovenskej_ekonomiky_2011.pdf) (consulted on 18/11/2011).

<sup>89</sup> Analysis of Slovak Economy's Convergence. National Bank of Slovakia. July 2011. Available at [http://www.nbs.sk/\\_img/Documents/PUBLIK/Lalinsky-Analyza\\_konvergenzie\\_slovenskej\\_ekonomiky\\_2011.pdf](http://www.nbs.sk/_img/Documents/PUBLIK/Lalinsky-Analyza_konvergenzie_slovenskej_ekonomiky_2011.pdf) (consulted on 18/11/2011).

<sup>90</sup> Information provided by MoLSAF SR.

<sup>91</sup> On the other hand, the new Act on Stay of Aliens which will enter into force on 01 January 2012 stipulates in Art. 38, par. 13 that

<sup>87</sup> Available at [http://www.emn.sk/phocadownload/documents/migracna\\_politika\\_sr\\_2020\\_sk.pdf](http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf) (consulted on 18/11/2011).

tor. The Blue Card is granted for a maximum period of three years and can be repeatedly extended. The Blue Card issued in the SR expires when the alien obtains a Blue Card in another EU Member State.

The Blue Card facilitates the entry of highly qualified labour force to the labour market and simplifies the conditions of residence for the family members of Blue Card holders. For the purpose of obtaining a next permanent residence permit which is issued for an indefinite period of time, the period of stay of Blue Card holders in other Member States is included in the given period. Pursuant to Art. 38, par. 1, letter e) of the Act on Stay of Aliens, the police department shall grant the next permanent residence permit to a third-country national who is a Blue Card holder, has had a continuous authorised residence of five years in the territory of Member States, and has stayed in the territory of the SR as a Blue Card holder for a minimum period of two years immediately preceding the filing of the application. A family member of a Blue Card holder who has authorised residence in another Member State and wants to apply for a temporary residence permit in the SR for the purpose of family reunification must apply for such permit at the police department not later than 30 days following their entry to the territory of the SR. The application for temporary residence can also be filed on behalf of such alien by a Blue Card holder with whom that alien requests family reunification. If during the procedure related to the granting of temporary residence permit the validity of the residence permit granted in another Member State expires, the residence of such alien is considered authorised until a decision is issued on the alien's application. An alien who holds a temporary residence permit for the purpose of family reunification with a Blue Card holder may run business or enter into labour relations or similar relations during their stay in the territory of the SR.

Act No. 223/2011 Coll. also amended the Act No. 5/2004 Coll. on Employment Services and on Changes and Amendments to Some Acts which stipulates in Art. 21, par. 1, letter b) that a Blue Card holder who is a party to labour relations established under the Act on Employment Services has the same legal status as a national of the SR.

The relevant provisions of the Directive were also be transposed into the Act No. 404/2011 Coll. of 21 October 2011 on Stay of Aliens and on Changes and Amendments to Some Acts (hereinafter referred to as "new Act on Stay of Aliens") which is expected to enter into force on 01 January 2012 and which also transposes the *Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service and Council Directive 2005/71/EC of 21 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research*.

On the basis of an application filed by a third-country national, COLSAF issues confirmations about the possibility to fill up a job vacancy corresponding to highly qualified employment to be attached to the application for the Blue Card. As of 31 December 2011, five applications for such confirmation were filed at the COLSAF; one application was refused, confirmations were issued in the case of two applications (Ukraine nationals applying for positions as physician and informatics expert, respectively), and two applications are being processed at the moment (two Ukraine nationals applying for positions as physicians).

the condition concerning the monthly salary amount in the case of selected highly qualified jobs is met if the agreed monthly salary corresponds to a minimum 1.2 times the average monthly salary of an employee in the Slovak economy in the given sector, as published by the Statistical Office of the SR.

In spite of this the SR has not yet issued a Blue Card to any third-country national.<sup>92</sup>

In the new MP, the SR committed itself to adopt policies promoting the admission of economic migrants and employment of migrants from third countries in line with the needs of the national economy and the labour market with an emphasis on the admission and employment of highly qualified employees, scientific workers and, if needed, other qualified migrants. What is essential in this process is the creation of an attractive environment for foreigners who are needed for the development of the economy.<sup>93</sup> The SR has not implemented yet any programmes aimed to attract qualified foreigners to perform certain types of jobs in its territory. In 2011, the MoESRS SR amended Act No. 172/2005 Coll. on the Organisation of State Support of Research and Development and on Amending Act No. 575/2001 Coll. on the Organisation of Government Activities and on the Organisation of the Central State Administration, as Amended, by newly defining in Art. 26b the conditions of admission of third-country nationals for the purposes of research and development, including conditions and requirements for an agreement on hosting an alien who is not a national of an EU Member State, as well as the conditions and responsibilities of the admitting organisations, and the conditions for issuing a permit for the admitting organisation to conclude hosting agreements. MoESRS SR publishes and continuously updates the list of admitting organisations through an information system and the central information portal.<sup>94</sup>

In the framework of the government's strategic material *Minerva — Slovakia into First League*, the Slovak Republic considers introducing a Slovak Card which will grant preferential conditions to highly qualified persons interested in working in Slovakia. According to this document, such migrants include, for example, students, teachers, scientists, researchers, businessmen having or planning to establish innovating companies and companies focusing on the transfer of applied research results to practice, etc.<sup>95</sup> A legal definition of the term *Slovak Card* is also mentioned in the document adopted by the Government of the SR – *Migration Policy of the Slovak Republic with a Perspective until 2020*. Both documents mention launching of a rating system that would enable arrival of migrants meeting various preferences of Slovakia (e.g. attained level of education; sector in which the foreigner works; amount of potential investment brought by the foreigner to Slovakia; etc.).

As for the support to the admission of students or young professionals, two agreements with third countries should be mentioned.

On 14 June 2011, the *Agreement between the Slovak Republic and New Zealand on the Work Leave Programme*<sup>96</sup> was signed, but has not entered into effect yet. This agreement will increase the opportunities for young people of both contracting parties to attend training or study courses and get employed during their stay in the territory of the other contracting party. Since study and work should only become the secondary purpose of their stay, the duration of courses or employment with one employer may not exceed a period of six months, and the requirement to obtain an employment permit shall not apply. With the aim to execute this agreement, the SR shall issue a national visa valid for a maximum period of 12 months to an applicant meeting the set requirements, and the number

<sup>92</sup> Information provided by MoLSAF SR.

<sup>93</sup> Migration Policy of the Slovak Republic with a Perspective until the Year 2020. Available at [http://www.emn.sk/phocadownload/documents/migracna\\_politika\\_sr\\_2020\\_sk.pdf](http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf) (consulted on 18 November 2011).

<sup>94</sup> Information provided by MoLSAF SR.

<sup>95</sup> Minerva 2.0. Slovensko do prvej ligy (Slovakia into the First League). Available at: <https://lt.justice.gov.sk/Material/MaterialHome.aspx?instEID=45&matEID=4114> (consulted on 18/11/2011).

<sup>96</sup> Proposal to conclude an Agreement between the Slovak Republic and New Zealand on the Work Leave Programme adopted by Government Resolution 9/2011, available at <http://www.rokovanie.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19044> (consulted on 10/11/2011).

of visas issued in one calendar year is limited to 100.<sup>97</sup>

On 01 July 2011, the *Agreement between the Slovak Republic and Youth Mobility*<sup>98</sup>, signed on 20 July 2010, entered into force. The aim of this agreement is to simplify the administration procedures governing the entry and stay of young citizens with ages of 18–35 years of one contracting party in the territory of the other contracting party with the purpose of completing their higher specialised or university education, attending special preparation with an internship programme or work stay, obtaining work experience, and improving their knowledge about the culture and society of the other contracting state with the possibility of flexible employment. The target group is university students and graduates, students of educational institutions and citizens interested in occasional employment or further special preparation on the basis of a labour contract agreed in advance, provided that the requirements stipulated in the agreement have been met. For the purpose of implementing this agreement, the SR shall issue to an applicant meeting the set criteria a national visa valid for a maximum period of 12 months; such applicant may work in the entire territory of the SR throughout the validity of such visa irrespective of the labour market situation and without a work permit.

Both countries will reciprocally set the number of citizens who can use the provisions of this agreement each year.<sup>99</sup>

### ***I(c) Do not aggravate the brain drain***

The SR neither implements any policy that would encourage “brain drain” from third countries, nor does it develop measures aimed at recruiting highly qualified employees from third countries. No such measures have been adopted at the governmental level in the SR in 2011, or any special measures promoting circular and temporary migration in the SR.<sup>100</sup>

The MP SR points out the need to exploit the potential of temporary and circular migration in the elimination of illegal migration and outflow of highly qualified and qualified labour forces along with a development of third countries. For these reasons, it is planned to update the conditions forming the legal framework which enables the entry of migrants to the labour market, seasonal work, temporary and circular migration and various forms of short-term employment.<sup>101</sup>

The Slovak labour market is negatively influenced by the brain drain from the SR to abroad, especially to other EU Member States and OECD countries. This aspect was considered in the new *Migration Policy of the Slovak Republic with a Perspective until 2020* adopted by the government, one chapter of which deals with the emigration of qualified labour forces. As a result, the government plans to prepare a concept of migration of Slovak citizens to abroad and back.

97 Mrlianová, A., Szlobodová, L., Ulrichová, N., Zollerová, M.: Visa Policy and Its Impacts on the Migration Flows to the Slovak Republic.. National Study for the European Migration Network. IOM International Organization for Migration. Bratislava 2011.

98 Agreement between the Slovak Republic and Canada on Youth Mobility, Notice of the MoFA SR No. 171/2011 Coll., available at <http://www.zbierka.sk/zz/predpisy/default.aspx?PredpisID=210243&FileName=zz2011-00171-0210243&Rocnik=2011> (consulted on 10/11/2011).

99 Mrlianová, A., Szlobodová, L., Ulrichová, N., Zollerová, M.: Visa Policy and Its Impacts on the Migration Flows to the Slovak Republic.. National Study for the European Migration Network. IOM International Organization for Migration. Bratislava 2011.

100 Information provided by MoLSAF SR.

101 Migration Policy of the Slovak Republic with a Perspective until 2020. Available at [http://www.emn.sk/phocadownload/documents/migracna\\_politika\\_sr\\_2020\\_sk.pdf](http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf) (consulted on 18/ 11/2011).

## 1.2 Stockholm Programme

The following commitments of the Stockholm Programme are relevant to this sub-section:

### ***1(b) Improving skills recognition and labour matching***

As far as the labour market is concerned, the recognition of education depends on the assessment by the employer, as well as on the assessment by the competent Office of Labour, Social Affairs and Family, which assesses the completed education together with the application for employment permit with an enclosed document on education, officially translated into Slovak.

The issues related to the recognition of qualification in the case of highly qualified third-country nationals fall under the competence of the Centre for the Recognition of Education Documents under the MoESRS SR.

The MP SR adopted in 2011 suggests a new definition for the issues related to the recognition of completed education and qualification and prevention of the “brain waste” phenomenon, and plans to extend the competences of responsible institutions as a result of increased needs and to create a link between the responsibility for qualification issues and responsibility on the side of employers or competent state administration bodies. For this reason, the activities of the Centre for the Recognition of Documents on Education of MoESRS SR are planned to be promoted. Moreover, the MP explicitly states that it is necessary to simplify the mechanism concerning the recognition of special qualifications for the purposes of employment and for academic purposes for persons with granted asylum, aliens under subsidiary protection and displaced persons.<sup>102</sup>

The labour market needs are assessed by the Office of Labour, Social Affairs and Family. The competent office can issue an employment permit to an alien if it is not possible to fill a vacant job by a job seeker recorded in the list of job seekers, while taking into consideration the labour market situation, i.e. whether the job can be filled with a national of the SR or of other EU/EEA Member State.

There is no comprehensive national strategy of the SR in the case of a labour force shortage in any of the national economy sectors that would deal with the structural imbalance between the labour force demand and offer on the labour market.<sup>103</sup> The current MP, however, highlights the need to improve and make more efficient the collection and processing of labour market data and the creation and regular update of lists of jobs with a lack of labour forces. The MP also states that it is necessary to conduct regular analyses of the national economy needs and of the economic benefits of the different groups of economic migrants (according to the purpose of stay) as a basis for considering the adoption of regulatory and control measures, as well as incentives for foreigners who are beneficial to the Slovak economy to work in the SR with the aim to ensure a balance on the labour market and within the entire scope of economic migration. According to the MP, the existing databases should be interconnected and the collection and processing of labour market data should be improved and made more efficient for this purpose, making it available to the expert public and the general population.<sup>104</sup>

102 Migration Policy of the Slovak Republic with a Perspective until 2020. Available at [http://www.emn.sk/phocadownload/documents/migracna\\_politika\\_sr\\_2020\\_sk.pdf](http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf) (consulted on 18/ 11/2011).

103 Domonkos, T., Páleník, M., Radvanský, M.: Satisfying Labour Demand Through Migration in the Slovak Republic, National Study for the European Migration Network. Bratislava, September 2010, p. 17.

104 Migration Policy of the Slovak Republic with a Perspective until 2020. Available at [http://www.emn.sk/phocadownload/documents/migracna\\_politika\\_sr\\_2020\\_sk.pdf](http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf) (consulted on 18/ 11/2011).



1.3 Key Statistics

First residence permit, by reasons in 2011					
	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
First permits	3 952	1 126	373	1 421	1 012

Source: BBAP PFP - IS ECU..

Unemployment rates of Slovak citizens versus third-country nationals residing in the Slovak Republic	
	Third-country nationals
Unemployment rate (%)	
In the SR as of 30/12/2011 registered = 13.59%* calculated from the total number = 14.99%**	9,96 %***

Source: COLSAF  
Economically active population of the SR as of 31 December 2011 = 2,667,708

\*) Registered unemployment rate means the ratio of available job seekers to the economically active population. An available job seeker is a job seeker who can enter employment immediately after being offered a job vacancy.

\*\*) The unemployment rate calculated out of the total number of job seekers is the ratio of the number of job seekers to the economically active population.

\*\*\*) The unemployment rate of foreigners is calculated out of the ratio of the job seekers with a nationality other than the SR, registered by the local labour offices as of 31 December 2011 to the number of foreigners employed in the SR. The number of third-country nationals registered by labour offices as seeking employment by 31 December 2011 was 514. The number of third-country nationals employed in the SR by 31 December 2011 (permits – 3,253 + ICNONEU – 1,905) was 5,158.<sup>105</sup>

The lower unemployment rate of foreigners relates to the Slovak legislation, which stipulates that if the employment of the foreigner for the purpose of which she/he obtained a temporary residence permit is terminated, he/she is obliged to leave the SR. A foreigner can be registered as seeking employment, if she/he was granted a permanent residence permit. Legislation in some of the EU Member States allows foreigners to stay in their territory for a certain period of time also after their employment is terminated and to register as jobseekers and seek a job.<sup>106</sup>

105 The numbers of third-country nationals and EU nationals registered as job seekers by labour offices come from the databases of the information system of APV RPS COLSAF as of 31 December 2011.

106 Information provided by COLSAF.

2. Family Reunification

2.1 European Pact on Immigration and Asylum

The following commitments of the Pact are relevant to this sub-section:

*I(d) To regulate family migration more effectively*

No new policies with respect to family migration were adopted in 2011.

As for legislation, the *Act No. 404/201 Coll. on Stay of Aliens*<sup>107</sup> was passed on 21 October 2011 and will enter into effect on 01 January 2012 (new Act on Stay of Aliens). This act regulates family immigration more effectively.

In order to ensure a more consistent transposition of the *Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States* and ensure family unity in a broader sense, the new act extends the contents definition of family member of a Union citizen by two categories of third-country nationals.<sup>108</sup> The first category includes a partner with whom a Union citizen has a durable, duly attested relationship.<sup>109</sup> The second category includes third-country nationals who have and use the right to residence of a Union citizen in another Member State where the Union citizen is a national of the SR with whom the third-country national returns or whom the third-country national joins back in the SR and is a relative of a Slovak national within the set scope.

Art. 27 of the new Act on Stay of Aliens introduces modified conditions for the granting of a temporary residence permit for the purpose of family reunification. This type of temporary residence will be granted to precisely defined family members of a third-country national with temporary or permanent residence in the territory of the SR, precisely defined family members of a person with granted asylum under 18 years of age, or to a third-country national who is a dependent person under an international treaty. This provision contains an explicit list of persons who are considered family members of a third-country national. The act reduces the category of third-country nationals who are unprovided-for single children and are over 18 years of age. This category of persons may be granted a temporary residence permit for the purpose of family reunification, provided that they are not able to care for themselves as a result of a long-term adverse health condition. The maximum possible duration of this type of temporary residence extends from two to five years.

The benefit of third-country nationals with a temporary residence permit for the purpose of family reunification has also changed, providing the possibility to run business immediately after being granted the temporary residence permit, thus cancelling the 12-month period during which the foreigner did not have this option. An exception from this rule is constituted by third-country nationals who are unprovided-for single children over 18 years of age of a third-country national or of the third-country national's spouse who is not able to care for themselves as a result of a long-term

107 Act No. 404/2011 Coll. on Stay of Aliens, adopted by Resolution No. 685 of the NC SR of 21 October 2011, available at <http://zbierka.sk/zz/predpisy/default.aspx?PredpisID=210523&FileName=zz2011-00404-0210523&Rocnik=2011> (consulted on 23/11/2011).

108 Art. 2 par. 5 letters g) and h).

109 Full transposition of Article 3, par. 2, letter b) of the Directive 2004/38/ES. The Slovak Republic has not used the possibility of transposing Art. 2, par. 2, letter b) of the Directive concerning registered partnership, as the Slovak legislation does not deem registered partnership equivalent to marriage.

adverse health condition or are parents of a third-country national or of the third-country national's spouse who is dependent on care and does not receive proper family support in the country he/she comes from.

In order to harmonise *Directive 2003/86/EC on the right to family reunification* with the national legislation, the provisions governing permanent residence have also been modified. The possibility to obtain a permanent residence permit for a period of five years now also applies to unprovided-for children over the age of 18 years who are not able to care for themselves as a result of a long-term adverse health condition, which was not possible under the previous act. Hence, healthy unprovided-for children over the age of 18 years have been excluded from the possibility to obtain a permanent residence permit for a period of five years; they can, however, apply for temporary residence for the purpose of study. The new act reduces the minimum requested duration of residence from five to four years on the basis of which a holder of the permanent residence permit may apply for permanent residence for an unlimited period of time.

Another piece of news is introduction of the possibility to grant a national visa to family members of persons with granted asylum and aliens under subsidiary protection, provided that they do not endanger state security or public order. This category of persons has a legal entitlement to be granted a national visa and constitutes an exception from the possibility of appeal against the non-granting or cancellation of the visa which normally applies to other aliens. The need to grant a national visa to this category of persons arose in connection with their special status and the endeavours of the SR to ensure family unity of the person with granted asylum or of the person under subsidiary protection.

According to the new act on Stay of Aliens, the extent of an alien's integration into society is only reviewed when a decision is made on granting a permanent residence permit for a period of five years and a permanent residence permit for an indefinite period of time. The extent of integration into society is not given by a requirement for language knowledge, level of education or work experience. In making a decision on granting these types of permanent residence and temporary residence permits, the police department takes into account the duration of the applicant's current residence in the SR, which could be viewed as taking into account the extent of foreigner's integration into the society. Compared to the current legislation<sup>110</sup>, the new Act on Stay of Aliens cancelled the optional requirement for the knowledge of Slovak language when applying for a permanent residence permit for an indefinite period of time.

## 2.2 Stockholm Programme

The following commitments of the Stockholm Programme are relevant to this sub-section:

### **2(b) The Directive on family reunification, the importance of integration measures**

The functioning of families and their members can be supported through state social benefits, the payment of which is, along with the criteria applicable to specific benefits, tied to the temporary or permanent residence of the foreigner in the SR. It is required to have a temporary or permanent residence to be able to receive child benefits, parents' benefits and childcare benefits. The condition

<sup>110</sup> According to Art. 38a, par. 5 of Act No. 48/2002 Coll. of the Act on Stay of Aliens, the police department may request the alien to present a document not older than 30 days certifying that he/she attended a Slovak language course. This optional requirement is applicable, for example, where it is apparent that the applicant does not master the bases of Slovak language. However, no requirements are set in respect to the achieved level of Slovak language knowledge.

for receiving the childbirth benefit and parental allowance is to have permanent residence in the SR. At present, the entitlement to receive this type of family benefits is not tied to the payment of social insurance or to the applicant's financial situation.

Under Art. 3 of Act No. 599/2003 Coll. on Assistance in Material Need and on Changes and Amendments to Some Acts, for the purposes of ensuring the basic living conditions and assistance in material need, aliens, stateless persons, person with granted asylum, aliens under subsidiary protection, departees residing in the SR on the basis of a permit issued by a competent authority, and foreign Slovaks residing in the SR have the same legal status as the nationals of the SR, provided that they do not receive assistance under special regulations or under international treaties by which the SR is bound. That means that an alien whose income does not reach the legal minimum amount may apply for state assistance in the form of material need benefits irrespective of their type of resistance in the SR, whereas the receipt of benefits is not tied to previous payment of social insurance.

On 01 July 2011, Acts No. 120/2011 Coll. and No. 180/2011 Coll. entered into effect. These acts, among other things, amended the Act on Assistance in Material Need. The changed legislation introduced the obligation of the local Office of Labour, Social Affairs and Family to set the way of providing benefits in material need and supplementary benefit in material need, and the obligation of municipalities to set the way to provide one-off benefits in material need. At the same time, this act has extended the category of persons who find themselves in material need and are entitled to receive the activation benefit serving for obtaining, maintaining or improving their knowledge, special skills or work habits for the purpose of finding a job.

## 3. Other Legal Migration

### 3.1 European Pact on Immigration and Asylum

The following commitments of the Pact are relevant to this sub-section:

#### ***l(e) to strengthen mutual information on migration by improving existing instruments where necessary***

The exchange of information on illegal migration between the EU Member States in 2011 was ensured mainly by attending regular meetings of the FRONTEX Risk Analysis Network's FRAN. It is a group of EU Member States and Schengen associated countries, involving analysts from the different analytical centres of these countries and informing about the state of illegal migration in their individual countries.

Co-operation with the FRAN includes regular uploading of bi-monthly FRAN analytical reports and FRAN monthly statistics to the ICONET group of the CIRCA network. States must fill in these documents according to a set plan into a specific ICONET folder within the set deadline. On the basis of these documents, FRONTEX elaborates its products and subsequently presents them at regular meetings together with data on illegal migration provided by Member States, or requests explanations about unclear issues from participants representing the Member States and assigns new tasks to Member States.

At the multilateral level, information on illegal migration is also exchanged between Slovakia, Poland, Hungary and Ukraine within the DSR/MSR system – Daily Statistics Reports/Monthly Statistics Reports. Information is provided on a daily and monthly basis and concerns illegal state border crossings, readmissions and smuggling. The information is recorded by the contact points which compare their own statistics with those of involved countries and prepare analysis on potential threats to the external land border on a monthly basis.

As for foreigners' integration, information is exchanged through meetings of the National Contact Points for Integration (NCPI) in Brussels in which the SR keeps a representative.

The exchange of information on the best asylum procedures is promoted through the ENARO network (European Network of Asylum Reception Organisations) into which the MO Mol SR was admitted in 2009 and has been successfully involved in exchanges of expert staff who ensure reception of asylum seekers in asylum facilities.

In 2011, the SR presided over the ENARO network and organised the meeting of the ENARO network's Steering Committee in Bratislava on 07 April 2011. The topic of the year 2011 was accommodation.

In May 2011, one employee from the Swiss Federal Migration Office was received in the asylum facility in Humenné under the exchange programme of the ENARO network. In June 2011, a representative of the MO Mol SR participated in a seminar in the Netherlands, which primarily dealt with accommodation under the ENARO network – Reception Expert Teams (RET).

In general, information on migration and asylum is exchanged through the European Migration Network and through cooperation among its National Contact Points.

#### **I(f) ) Improve information on the possibilities and conditions of legal migration**

The provision of information on the possibilities and conditions of legal stay in the SR represents a standard work of consular offices in the SR<sup>111</sup> and certain information is also available on the website of the MoFA SR [www.mzv.sk](http://www.mzv.sk).

MoLSAF SR has re-worked its website, with Migration Policy and Integration Policy directly appearing on the home page of [www.employment.gov.sk](http://www.employment.gov.sk) to ensure a direct and simplest possible access to documents concerning the respective areas. The Migration Policy section will contain EU and SR documents related to the scope of activities of MoLSAF SR in the field of migration policy, including information on the procedure and conditions of foreigners' employment in the SR in Slovak, partly in English language.<sup>112</sup> The section Foreigners' Integration in Slovakia contains information in Slovak and English languages concerning other ministries, residence, nationality, employment, etc. within one place. For further details see section I(h).

The official website of the Ministry of Interior of the SR [www.minv.sk](http://www.minv.sk) presents basic information about the rights and obligations of foreigners related to the entry to the territory of the SR and their subsequent stay. The website also contains Frequently Asked Questions, an overview of fundamental legislation, as well as specimens of official application forms in Slovak language which should become available in several languages after the new Act on Stay of Aliens enters into effect on 01 January 2012.

<sup>111</sup> Information provided by MoFA SR.

<sup>112</sup> For more details see <http://www.employment.gov.sk/index.php?SMC=1&id=775>

The provision of information should be ensured through the European Immigration Portal which informs about the possibilities and conditions of legal immigration to the SR (e.g. information about the conditions of entry to the territory of the SR, current legislation, etc.). The European Migration Portal will be interconnected with the national websites of the competent central state administration authorities, thus offering the possibility to obtain more detailed information or request information. This information will be available at the above-mentioned websites.

In 2011, the EURES Desk of COLSAF organised one-day work seminars at selected local labour offices in Nitra (32 participants), Michalovce (30 participants) and Zvolen (29 participants) under the title *EURES Opens Its Doors to Migrants*. The seminars were held with the aim to promote the integration of foreigners living in Slovakia. The objective of the seminar was to help eliminating the barriers to foreigners' migration and raise awareness through institutions providing foreigners with assistance, thus creating the conditions for a better access to public services in the territory of Slovakia. The work seminars were run in the form of presentations by invited institutions and representatives of migrant communities in Slovakia. The representatives of migrants spoke about their most frequent problems, such as lack of job opportunities which often relates to the insufficient knowledge of the Slovak language. They would therefore welcome if more language training centres provided Slovak language courses. They also spoke about the difficulties related to the recognition of education documents, in seeking jobs for their partners, and excessive formalities. The invited representatives of migrant communities expressed their satisfaction with the given activity and appreciated the information provided by the participating institutions.

No public administration institution has provided migrants with complex counselling.<sup>113</sup> This type of services is only provided by the *Migration and Information Centre* established by the IOM and co-financed from the EIF funds and from the state budget of the Ministry of Interior of the SR. Required information and advice concerning the different aspects of life in Slovakia can be obtained in person, by phone, by e-mail communication or at the website [www.mic.iom.sk.sk](http://www.mic.iom.sk.sk) which is regularly updated.<sup>114</sup>

EIF projects also covered information activities, focusing on providing information about migration and foreigners' integration, such as the project *TV Programme to Support Foreigners' Integration*, carried out by the Local Media Institute. The TV programme broadcasted on the second state television channel and in several regional and local televisions provides migrants and the general public with information about the lives of migrants in Slovakia, practical information for migrants (education, job opportunities, legal requirements for legal residence, etc.) and about multicultural meetings and meetings of migrant communities.<sup>115</sup>

Some information about the conditions of entry and aliens' stay is provided in the form of leaflets and brochures published by, especially, the IOM, UNHCR and the Human Rights League and distributed to relevant state institutions.

One of the measures in the new MP SR adopted in 2011, to be further specified in the action plans of the different ministries, is the creation of information and consultation centres for migrants to improve their access to information about entry and residence, and about living and working conditions.

<sup>113</sup> Kriglerová G., E., Kadlečíková, J., Lajčáková, J., *Migranti, nový pohľad na staré problémy. Multikulturalizmus a kultúrna integrácia migrantov na Slovensku*, Centre for Research of Ethnicity and Culture, 2009, p. 54.

<sup>114</sup> Potočková, I.: Annual Report on Migration and Asylum Policies. Slovak Republic 2010, National Study for the European Migration Network. IOM International Organization for Migration. Bratislava 2011.

<sup>115</sup> For more details see <http://www.integruj.sk>



tions, including countries of origin. The new MP SR also states that it is necessary to provide information through immigration portals, (multilingual) websites, brochures and leaflets, and raise general awareness of migrants by means of information campaigns about illegal work, smuggling, human trafficking, and about the potential risks of work migration and help possibilities.<sup>116</sup>

## 3.2 Stockholm Programme

The relevant commitments in the Stockholm Programme are similar to those in the Pact, and therefore do not require further information.

# 4. Integration

## 4.1 European Pact on Immigration and Asylum

The following commitments of the Pact are relevant to this sub-section:

### ***I(g) Promote harmonious integration in line with the common basic principles***

In 2011, MoLSAF SR created a new organisational unit – Centre for the Coordination of Foreigners' Integration (CCFI). CCFI serves as a coordination unit for issues concerning foreigners' integration and migration, and is involved in the creation of the state policy and conceptual work related to migration and foreigners' integration. Migration issues remained also in the competence of the Department of Foreign Relations and Protocol which was created on 01 August 2011 by merging the Department of International Relations and the Protocol Department. They are jointly involved in the preparation of the state policy and conceptual work in the field of migration and foreigners' integration, and in the creation of legislative measures, other generally binding legal regulations, long-term development programmes, strategic plans and their enforcement at the inter-ministerial level. CCFI also coordinates the application of the proposed integration measures arising from the Concept of Foreigners' Integration in the Slovak Republic; CCFI actively contributes to the process of foreigners' integration, including those under any form of international protection, in cooperation with the competent state administration authorities, self-governments, and non-governmental organisations according to the decision of the Government and participates in the creation of conditions to prevent unwanted phenomena, such as discrimination, intolerance, racism, xenophobia, anti-Semitism, etc. Moreover, CCFI manages the Inter-Sectoral Expert Commission for Work Migration and Foreigners' Integration (ISCWMFI) as the coordination body of the Ministry for the implementation of tasks in the field of integration policy of the SR, represents the Slovak Republic in the European Commission in the working group – National Contact Points for Integration, and executes all related tasks.<sup>117</sup>

<sup>116</sup> Migration Policy of the Slovak Republic with a Perspective until 2020, available at [http://www.emn.sk/phocadownload/documents/migracna\\_politika\\_sr\\_2020\\_sk.pdf](http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf) (consulted on 18/11/2011).

<sup>117</sup> Annex No. 2 of 02 August 2011 to the Organisation Chart of the Ministry of Labour, Social Affairs and Family of the Slovak Republic No. 30/2011 of 24 June 2011. Available at: <http://www.google.sk/url?sa=t&rct=j&q=centrum%20pre%20koordin%C3%A1ciu%20integr%C3%A1cie%20cudzincov%20&source=web&cd=1&ved=0CBwQFjAA&url=http%3A%2F%2Fwww.employment.gov.sk%2Findex.php%3Fid%3D21301&ei=NanLTrC0EMaSswb0to3dDA&usg=AFQjCNHQTxTpJqax5KmJwuJcm10XYs4dpA> (consulted on 22/11/2011).

After two years, MoLSAF SR renewed the important meetings with foreigners' communities in 2011; no such meetings had been held since 2009. The meetings took place in March 2011 and in December 2011. The agenda of the meetings included presentation of the new department – Centre for Foreigners' Integration of MoLSAF SR, discussion on the Concept of Foreigners' Integration and on the amendment to the Act on Employment and foreigners' access to the labour market, and on general renewal of cooperation. Besides the representatives of communities, the meeting was also attended by non-governmental and international organisations working in the field of migration and by representatives of relevant universities.<sup>118</sup>

MoLSAF SR created a completely new work platform for experts at state and non-state levels working in the field of foreigners' integration in Slovakia – the Forum for Integration (the first meeting was held in October 2011). The Forum represents an informal discussion platform on integration issues, bringing together experts and representing a source of information, concepts and ideas on integration.<sup>119</sup>

MoLSAF SR coordinates the preparation works on the updated Concept of Foreigners' Integration in the SR, which was adopted in May 2009. MoLSAF SR created seven working groups for key topics (healthcare, accommodation, education, inclusion, employment, self-government, and partners) with the aim to make the document more effective and to make it comply with the plans and objectives of the new MP.<sup>120</sup>

The new MP SR mentions the following planned measures in the section related to integration:

- Implementation of so-called integration mainstreaming in the preparation and creation of legislation;
- Increased emphasis on human rights and tolerance, fight against discrimination and intolerance by elaborating a coordinated communication strategy including activities focused on public awareness-raising, systemic cooperation with public media and initiation of wider discussions;
- Setting of a mechanism for systemic monitoring of the fulfilment of migrants' integration indicators;
- Creation of conditions for the implementation of integration policy at the regional and local levels through relevant entities, especially through higher territorial units, towns and municipalities, and definition of the possibilities of cooperation with regard to their competences and responsibilities;
- Involvement of the members of different migrant associations and communities in the integration process at the local and regional levels;
- Provision of information to migrants in the countries of origin prior to their arrival;
- Simplification of the mechanism of recognition of expert qualifications;
- Ensuring available Slovak language training and socio-cultural orientation for migrants;
- Considering a change in the naturalisation procedure and the acquisition of Slovak Republic citizenship in order to speed up the integration process, and facilitate and make more transparent the processes geared towards the granting of permanent residence permit and, subsequently, the acquisition of the Slovak citizenship, etc.<sup>121</sup>

<sup>118</sup> Information provided by MoLSAF SR.

<sup>119</sup> Information provided by MoLSAF SR.

<sup>120</sup> Information provided by MoLSAF SR.

<sup>121</sup> Migration Policy of the Slovak Republic with a Perspective until 2020. Available at [http://www.emn.sk/phocadownload/documents/migracna\\_politika\\_sr\\_2020\\_sk.pdf](http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf) (consulted on 18/11/2011).

The measures currently in place are aimed at the integration of third-country nationals (e.g. measures allowing migrants to obtain basic knowledge of the hosting country's language, training programmes, measures at the local level) and are mainly implemented by international and non-governmental organisations under projects financed from funds of the general programme Solidarity and Migration Flows Management and co-financed from the budget of the MoI SR.

Specifically, the following projects have been implemented:

- *Migration Information Centre to Support Foreigners in Slovakia (Stage IV)* ([www.mic.iom.sk](http://www.mic.iom.sk)) – for more details see I(f). In 2011, the IOM Migration Information Centre organised low-threshold language courses of Slovak for third-country nationals.<sup>122</sup>
- *TV Programme to Support Foreigners' Integration* ([www.integruj.sk](http://www.integruj.sk)) – for more details refer to I(f). *The Times of New Minorities* (<http://www.nadaciamilanasimecku.sk> and [www.multikulti.sk](http://www.multikulti.sk)) – the project activities focus on awareness raising among the Slovak public about the life, culture and traditions of new minorities living in Slovakia and their status in the society. A several-day festival entitled The Week of New Minorities (Fjúžn) was organised in Bratislava in the framework of the project. Among other things, the festival aimed to develop the relations among communities and provide them with room for presentation. The festival was followed by individual cultural and social events.<sup>123</sup>
- *BAKHITA* (<http://www.charita.sk/stranky/o-projekte-2>) – under the *Bakhita* project, free courses of care were organised for third-country nationals with temporary or permanent residence or tolerated stay in Slovakia.<sup>124</sup>
- *Improving the possibilities of third-country nationals' integration at the local level* (<http://www.cvek.sk/main.php?p=projekty&lang=sk>) – the project aims at drawing the attention of actors working with migrants' integration at the local level to the migration and integration issues in the context of regional development. In order to achieve this objective, varied information about integration at the local level has been collected (statistical data, information about legislation and public policies, interesting examples of integration at the local level from abroad, etc.) and subsequently provided to these (by means of bulletins and a website).<sup>125</sup>

#### **I(h) Promote information exchange on best practices in terms of reception and integration**

A national website on integration is under preparation, and it is planned to intensify the exchange of information between institutions and other stakeholders engaged in migrants' integration.

Upon implementation of integration measures, MoLSAF SR managed, for the first time, to place a link to important information about other ministries, stays, citizenship and employment within one section of the updated MoLSAF SR website. Anybody interested can find this information in Slovak and English languages at the main webpage of MoLSAF SR under the heading Foreigners' Integration in Slovakia.<sup>126</sup>

<sup>122</sup> For more details see: <http://mic.iom.sk/sk/uzitocne/na-stiahnutie/category/10-letaky.html?download=97%3Anizkoprahovy-kurz-slovenskeho-jazyka-pre-cudzincov>

<sup>123</sup> Source: <http://www.nadaciamilanasimecku.sk/index.php?id=150>, (consulted on 25/11/2011).

<sup>124</sup> Source: <http://www.charita.sk/stranky/o-projekte-2>, (consulted on 25/11/2011).

<sup>125</sup> Source: <http://www.cvek.sk/main.php?p=projekty&lang=sk#anch125>, (consulted on 25/11/2011).

<sup>126</sup> For more details see: <http://www.gender.gov.sk/index.php?SID=6cc0ca543b1bdabe82b1674d09de9220&SMC=1&id=845>

As stated in sub-section I(g), MoLSAF SR renewed in 2011 the important meetings with foreigners' communities living in Slovakia and the meetings of the Inter-Sectoral Expert Commission for Work Migration and Foreigners' Integration (ISCWMFI), and created the very first work platform for experts at state and non-state levels working in the field of foreigners' integration in Slovakia – the Forum for Integration.

In the framework of its awareness raising activities, MoLSAF SR presents its own achievements through regular press releases on the main page of MoLSAF SR.

Under the auspices of the Deputy Minister of the Ministry of Labour, Social Affairs and Family of the SR, the international conference *National Dialogue on Integration* was organised by the IOM International Organization for Migration<sup>127</sup> in cooperation with the National Contact Point of the European Migration Network in the SR and with EIF support on 15 November 2011 in Bratislava. The main objective of the conference was to create a room for mutual exchange of experiences and good practices on foreigners' integration among selected European Union Member States and prepare proposals and recommendations on foreigners' integration. Examples of good practice were presented by experts specialised in this area and working in state institutions or non-governmental organisations in the Czech Republic, Portugal and Austria. Over 130 participants from public administration institutions, including territorial self-governments, as well as from international organisations, non-governmental organisations and migrant associations running activities in Slovakia attended the conference. The conference *National Dialogue on Integration* was preceded by a one-day workshop for experts who attended training courses organised by the IOM International Organization for Migration in 2010 and 2011 with the support of the European Fund for the Integration of Third-Country Nationals. At the conference, IOM International Organization for Migration presented recommendations prepared by the workshop participants to improve the process of foreigners' integration in the SR. The recommendations formed the basis for a panel discussion, which involved the representatives of the MOI SR, MoLSAF SR, BBAP PFP, and the Institute for Public Affairs, as well as a culture mediator as a representative of migrant communities.

## 4.2 Stockholm Programme

The following commitments of the Stockholm Programme are relevant to this sub-section:

### **3(b) to incorporate integration issues in a comprehensive way in all relevant policy areas**

The integration policy is implemented in the SR in compliance with the Concept of Foreigners' Integration of the SR under the sponsorship of MoLSAF SR. The Concept of Foreigners' Integration was approved by Government Resolution No. 338 of 06 May 2009. The integration issues are gradually incorporated into other areas of national policies. The policy of foreigners' integration as a part of the global approach to migration became part of the Migration Policy of the SR with a Perspective until 2020, which was approved by Government Resolution No. 574 of 31 August 2011. Chapter 2 – Integration contains a summary of the fundamental objectives of the integration policy in the SR and follows the Concept of Foreigners' Integration in the field of integration mainstreaming. All state policies (sectoral policies, legal regulations and measures) under preparation should take into consideration the impact on foreigners' integration in the SR. Under the MP, all ministries must prepare their own action plans.

<sup>127</sup> Under the project *Migration Information Centre to Support Foreigners in Slovakia* (Stage IV)

As proposed by MoLSAF SR, the body responsible for EIF incorporated into the Call for Submission of Grant Applications SK 2011 EIF the topic “prevention of violence against female migrants”, opening the space in the SR to a new dimension of research concerning integration and assistance to foreigners living in Slovakia.

MoLSAF SR prepared guidelines for the local Offices of Labour, Social Affairs and Family of the SR, thanks to which improper decisions related to state social benefits have been eliminated.<sup>128</sup>

### **3(e) improved consultation with and involvement of civil society**

As stated in sub-section I(g), MoLSAF SR renewed the important meetings with foreigners’ communities living in Slovakia. Meetings of the Inter-Sectoral Expert Commission for Work Migration have also been held. These meetings are attended, on an *ad-hoc* basis, by representatives of non-governmental and inter-governmental institutions. In addition to that, MoLSAF SR created a completely new work platform for experts at state and non-state levels working in the area of foreigners’ integration in Slovakia – the Forum for Integration.

As mentioned in sub-section I(h), MoLSAF SR presents its own achievements in the field of migrants’ integration at the main webpage of MoLSAF SR by means of regular press releases addressed to the general public. MoLSAF SR sponsored the international conference *National Dialogue on Integration*, the objective of which was to create a room for mutual exchange of experiences and good practices in foreigners’ integration among selected European Union Member States and prepare proposals and recommendations in the field of foreigners’ integration suggested by the workshop participants.

### **3(f) to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts**

The current measures focus on the promotion of democratic values and social cohesion in relation to immigration and integration of immigrants, and on the promotion of the inter-cultural dialogue and contacts by, especially, international and non-governmental organisations under projects financed from the general programme Solidarity and Migration Flows Management and co-financed from the budget of the MoI SR. For more details see I(g).

As sub-section I(h) suggests, MoLSAF SR sponsored the international conference *National Dialogue on Integration* with the objective to create a room for mutual exchange of experiences and good practices in foreigners’ integration among selected European Union Member States and prepare proposals and recommendations on foreigners’ integration aimed at the improvement of the foreigners’ integration process in the Slovak Republic, as formulated by the workshop participants. The conference was attended by over 130 representatives of public administration institutions, including territorial self-governments, as well as international organisations, non-governmental organisations and migrant associations running activities in Slovakia.

MoLSAF SR attended the meeting on the results of the comparative research MIPEX III, organised by the British Council within the Week of New Minorities. The meeting was held in May 2011. At the meeting, the representatives of MoLSAF SR presented the outcomes of MIPEX III from the point of view of MoLSAF SR and provided an interview to the media on foreigners’ integration issues.<sup>129</sup>

<sup>128</sup> Information provided by MoLSAF SR.

<sup>129</sup> Information provided by MoLSAF SR.

MoLSAF SR participated in the public discussion entitled *Is Slovakia an Open Country?*, which was organised by the civic association People in Peril on 15 June 2011. The discussion was also attended by migrants living in the SR, experts, and the general public. MoLSAF SR provided information about the planned update of the Concept of Foreigners’ Integration in the SR.<sup>130</sup>

For the first time ever, MoLSAF SR organised, under the auspices of the Deputy Minister, the collection of items for spare-time and sports activities in reception and accommodation centres in the Slovak Republic. After the collection was finished on 13 October 2011, the collected items were handed over to the respective centres.<sup>131</sup>

Throughout 2011, representatives of the academia, independent experts, non-governmental organisations, the Association of the Towns and Municipalities of Slovakia and the ministries were invited to and consulted on the preparation of the documents: Conceptual Plans of the Migration Policy of the SR for the Period 2011–2015 and Migration Policy of the SR with a Perspective until 2020 aimed at setting priorities within the scope of their work.

## **ILLEGAL IMMIGRATION AND RETURN**

### **5. Illegal Immigration**

#### **5.1 European Pact on Immigration and Asylum**

The following commitments of the Pact are relevant to this sub-section:

#### **II(a) only case-by-case regularisation**

At present, the SR neither has any regularisation programme for illegal migrants, nor is it considering introduction of any such programme. What can be considered as a certain regularisation element in connection with illegal migration is the tolerated state instrument, which serves for temporary legalisation of a third-country national’s residence, but is not a systemic regularisation scheme.

An alien staying in the SR without a residence permit may apply, depending on the specific circumstances, for any of the types of international protection or for tolerated stay; both alternatives represent instruments allowing the legalisation of illegal residence in the territory of the SR.

On 20 July 2011, Act No. 223/2011 Coll. entered into effect. This act, among others, amended Act No. 48/2002 Coll. on Stay of Aliens and on changes and amendments of some acts (Act on Stay of Aliens) and transposed *Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals*. The Act on Stay of Aliens thus introduced a new reason for granting tolerated stay, in cases of illegal employment to a third-country national who has been illegally employed under particularly exploitative working conditions or to an illegally employed minor if its presence in the territory of the SR is inevitable for the purposes

<sup>130</sup> Information provided by MoLSAF SR.

<sup>131</sup> Information provided by MoLSAF SR.



of criminal proceedings. In these cases, the application may be filed by the law enforcement authority, and the tolerated stay is granted for a period of 180 days with the possibility of repeated extension up to the end of the criminal proceedings or until such person is paid the due remuneration for performed work. The relevant provisions of the Directive have also been transposed into the new Act on Stay of Aliens. In addition, the new Act on Stay of Aliens effective from 01 January 2012 makes tolerated stay accessible to a new category of aliens, while respecting their private and family life, and for the purpose of promoting the support of victims of human trafficking.

### ***II(c) ensure that risks of irregular migration are prevented***

With the aim to ensure a better compliance of the national legislation with *Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals*, the new Act No. 404/2011 Coll. on Stay of Aliens effective from 01 January 2012 will modify the provisions concerning administrative expulsion and detention.

With respect to administrative expulsion, its definition, reasons for administrative expulsion and execution of the decision and deferred execution of the decision on administrative expulsion will change. The imposition of the entry ban will not form an automatic part of the decision on administrative expulsion, but only an option for the police department, changing the duration of the entry ban depending on the reasons for administrative expulsion. The previous decisions on administrative expulsion or entry to the territory of the SR throughout the prohibition of entry will be considered separately and will represent a reason for imposing the entry ban to the whole EU territory. The new act redefines the categories of persons who can only be expelled if they seriously threaten state security or public order.

An important piece of news is the introduction of an alternative to detention by imposing the obligation onto a third-country national to regularly report his/her stay or to make a warranty deposit; this is only possible if a third-country national proves accommodation and financial coverage of his/her stay. These alternatives to detention are excluded in case administrative expulsion proceedings are conducted against a third-country national who represents a serious threat to state security or public order, or threatens state security, public order or public health. The reasons for detention are extended to cases of third-country nationals subject to administrative expulsion proceedings aimed at ensuring their departure, if there is a risk of escape or if they avoid or hinder the process of preparation of their administrative expulsion. In case the police department fails to issue, in such case, a decision on administrative expulsion within 48 hours, it must immediately release the alien.

The policy to prevent the risks of irregular migration is implemented through measures specified in the National Plan of Border Control Management of the Slovak Republic for the Period 2011–2014, approved with Government Resolution No. 473 of 16 July 2011<sup>132</sup>.

### ***II(d) to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants***

Biometric data of expelled aliens is not exchanged between the SR and other Member States at present. It is assumed that after launching the 2nd generation of the Schengen Information System biometric data of expelled aliens will be sent from national records to the SIS II database, making the

data available to other Member States.

### ***II(g) take rigorous actions and penalties against those who exploit illegal immigrants***

*Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals* was transposed to the Slovak legislation through Act No. 223/2011 Coll. which changed and amended Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on changes and amendments of some acts, as amended. The relevant provisions of the Directive have also been transposed into the new Act on Stay of Aliens.

This amendment explicitly extends the recent general prohibition of illegal employment also to third-country nationals who illegally stay in the territory of the SR, and the group of entities under the obligation to respect this prohibition is extended to natural persons who are not entrepreneurs. In the event of violation of this prohibition, the applicable sanctions include, besides fines, exclusion of the employer from the possibility to participate in public procurements, as well as other specifically listed payments, such as payment of due salary, payments corresponding to the income tax amount, social insurance and health insurance payments, payment of the costs of due wage delivery and of the costs related to administrative expulsion. In spite of the fact that the responsibility for sanctions is primarily borne by the illegal employer, the amendment act introduces the possibility of shift of responsibility to other specific persons involved in the given supply of work, goods and services. The employer bears no responsibility for illegal employment, if it has fulfilled the newly introduced obligations by requesting a document entitling the third-country national to reside in the SR prior to taking him/her up to job and informed the local Office of Labour, Social Affairs and Family about the start of employment within the set deadline, but had no knowledge of the document being falsified. The financial sanction that can be imposed onto an employer in the event of breach of the prohibition of illegal employment may attain an amount from EUR 2,000 up to EUR 200,000. The fine for illegal work may reach EUR 331. A new criterion in setting the amount of fine for breaching the prohibition of illegal employment is the number of illegally employed natural persons. The control authorities are obliged to regularly identify the sectors in which the risk of illegal employment is the highest and conduct control in these risk sectors in particular. The amendment act also set the obligation of the National Labour Inspectorate to provide the European Commission with annual information about the conducted controls and their outcomes. In addition to that, the amendment act defined the employers' obligations related to the employment of third-country nationals; in the event that any of the obligations under the Act on Employment Services is violated, the employer may be imposed a fine of up to EUR 33,193.91. Upon meeting specific requirements, illegally employed persons may obtain tolerated stay in the SR under the amendment act.

A list of employers who have been identified by labour inspectors as contracting illegal work or illegal employment is published on the website of the National Labour Inspectorate.<sup>133</sup> This list serves other ministries and institutions involved in tax and insurance payment collection, as well as for reviewing applications for subsidy and recovery of subsidies already paid.

In 2011, the National Unit to Combat Illegal Migration of the BBAP PFP revealed seven cases of smuggling. The NUCIM inspector laid charges in 37 acts against 23 persons (mediators — 12 Ukrainians, 8 Slovaks, 2 Chinese, and 1 Belarusian) who assisted in the assignment of construction jobs to 139 migrants — 137 Ukraine nationals and 2 China nationals — for the criminal act of smuggling under Article 356 of the Criminal Code, and for committing a particularly serious crime of legalisation of

<sup>132</sup> National Plan of Border Control Management of the Slovak Republic for the Period 2011–2014, available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19962> (consulted on 18/11/2011).

<sup>133</sup> List published at: <http://www.safework.gov.sk/register/>

income from crime under Article 233, par. 1, letters a) and b), and par. 4, letter a) of the Criminal Code, committed by an organised group, under the threat of imprisonment from 12 to 20 years. By means of these criminal acts, these individuals gained illegal profits for a total amount of EUR 1,420,294,87.

***II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS obliging other MSs to prevent the person concerned from entering or residing***

With regard to illegal migration, since Slovakia's accession to the Schengen Area cooperation between the EU Member States related to expulsions is governed by *Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals*. Only a few cases of executing a decision on expulsion issued by another EU Member State under this directive have occurred since its transposition into the national legislation in 2007<sup>134</sup>. These cases concerned aliens with a positive record in SIS in relation to which a decision issued by another Member State was executed through the SIRENE National Bureau or other authorities.<sup>135</sup>

The Slovak Republic recognises decisions on return issued by other EU Member States pursuant to Directive 2008/115/EC in the case of land transit of returnees within the deadline for voluntary departure. All subordinate units of BBAP PFP dispose of a methodological guideline to proceed in accordance with the Directive.

In 2011, two cases of execution of the decision on expulsion issued by other EU Member States were reported. These cases concerned nationals of Serbia and Croatia who were issued a decision on administrative expulsion by the Republic of Austria, and were subsequently readmitted to the territory of the SR where, after being detained in the Police Detention Department, they requested voluntary return to their country of origin. The Serbian national had been issued a decision on administrative expulsion in several Member States.

## 5.2 Stockholm Programme

The following commitments of the Stockholm Programme are relevant to this sub-section:

***4(j) more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate and comprehensive information which improves our understanding of and response to migratory flows***

The BBAP PFP prepared a strategy to collect and deliver information about illegal migration in the form of daily situation reports. These reports contain all relevant facts about state border violation or breach of the conditions of stay by aliens apprehended as illegal migrants. Until October 2010, this information was processed by the BBAP PFP within the irregular migration database. In October 2010, the illegal migration database was replaced by the information system for illegal migration and international protection IS MIGRA. After the successful completion of the pilot operation, IS MIGRA launched its production operation on 01 January 2011. Information about an illegal migrant is recorded immediately after apprehension at the basic unit and is immediately available to all members

<sup>134</sup> Directive 2001/40/EC was transposed into Act No. 48/2002 Coll. on Stay of Aliens by Act No. 342/2007 Coll. of 26 June 2007 on changing and amending some acts in connection with the entry of the Slovak Republic into the Schengen Area.

<sup>135</sup> Potočková, I.: Annual Report on Migration and Asylum Policies. Slovak Republic 2010, National Study for the European Migration Network. IOM International Organization for Migration. Bratislava 2011.

of the police within the police corps. The importance of the information system also lies in the possibility to clearly determine the alien's identity according to scanned fingerprints in case such alien has already been to the SR in the past or has applied for asylum in another EU Member State. At the same time, this information system is an important analytical tool, as it collects a number of data about apprehended illegal migrants and records the course of all procedures conducted in relation to a particular illegal migrant.

The integration of data into a single information system simplified the analytical work and the creation of products at all levels. In order to ensure common procedure of BBAP PFP units in the use of IS MIGRA, an amendment to the methodology of IS MIGRA was issued on 28 July 2011. In relation to the collection of information about illegal migration, an instruction on the BBAP reporting service and an instruction on the processing of selected statistical information within the scope of competences of the Border Police Service and Aliens Police Services were issued.

Operative staff from the Department of Operative Activities and Investigation West, Centre, East of NUCIM BBAP PFP finds out information about illegal routes and persons of interest from informers, collects data within criminal files and sends the statistical data to the Activities Coordination Department where the data is stored and evaluated as required.

Also in 2011, the SR has been involved in the extended project *Building of Migration Partnership* (BMP) which targets the development of partnerships with EU neighbouring countries in the Eastern and South-Eastern region. This project was approved by the European Commission under the call *Programme for Cooperation with Third Countries in the Areas of Migration and Asylum*. The focus of the project is to implement the objectives defined by the participating partners in their Joint Declaration in the period 2011–2012, which, besides interconnecting migration and development, also includes fight against illegal migration as a principal topic. The activities of the extended project deal with updates of the countries' migration profiles and with the improvement of the interactive maps of Eastern migration routes (e-map).<sup>136</sup>

In October 2011, NUCIM BBAP PFP carried out its latest activity under the programme of cooperation with Moldova, located on the illegal migration route as a country of origin of illegal migration. The programme focused on the enhancement of capacities responsible for the fight against illegal migration and on the development of partnership cooperation. The cooperation established between partner units will also continue in 2012 in the form of concrete collaboration in investigated cases of organised international smuggling. The ministerial conference held on 03–04 November 2011 adopted an Action Plan which will be detailed in the years to come.

***4(k) increased targeted training and equipment support***

The SR is involved in FRONTEX training activities in the framework of basic and further police training for basic and middle police management, members of the international RABIT teams working in the field of statistic methods of risk analysis, identification of false and forged travel documents, technical devices, protection of external EU borders, identification of stolen vehicles, and identification of wanted and unwanted persons. The SR also uses the possibility of English e-learning for the police, which is also covered by FRONTEX. Language training projects are also organised by the Police Corps Academy with financial assistance from FRONTEX.<sup>137</sup>

<sup>136</sup> National Plan of Border Control Management of the Slovak Republic for the Period 2011–2014.

<sup>137</sup> Mrlianová, A., Ulrichová, N., Zollerová, M.: Practical Measures to Combat Illegal Migration in the Slovak Republic. National Study

Special preparation and support in combatting illegal immigration are also ensured by police attachés and document advisors who are deployed at the foreign missions of the SR abroad (see paragraph 4 (l)) below and sub-section III (a).

4(l) ) a coordinated approach by Member States by developing the network of liaison officers in countries of origin and transit

The creation of a network of immigration liaison officers and their status directly arise from the Council Regulation (EC) No. 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network. This network serves for the prevention of unwanted migration through the promotion of cooperation in combatting smuggling and in returns of illegal migrants by means of the activities of experts deployed to third countries. At present, the SR neither have, nor it plans to deploy immigration liaison officers<sup>138</sup>; their duties in the area of legal and illegal migration, except for their function as document advisors, are partly ensured by the network of police attachés with a general scope of powers at the foreign missions of the SR abroad, in particular in countries where it is required by security interests, and in accordance with the foreign policy priorities of the SR.<sup>139</sup> Among other duties, deployed police attachés cooperate with the BBAP PFP in the field of illegal migration, as well as monitoring and analysis of migration flows to the SR.

The SR also uses the possibility provided by the Schengen Convention to deploy a specific category of liaison officers, so-called document advisors, to third countries. Their task is to provide counselling and expertise at Slovakia's foreign missions abroad reporting an increased misuse of visas and travel documents. Document advisors are deployed to the Consulate General of the SR in Uzhgorod, and a pilot project of deploying a document advisor to Vietnam was carried out already in 2009.

5.3 Key Statistics

Third-country nationals regularised	
Third-country nationals regularised	0

Source: BBAP PFP

6. Return

6.1 European Pact on Immigration and Asylum

The following commitments of the Pact are relevant to this sub-section:

II(b) To conclude readmission agreements at EU or bilateral level

for the European Migration Network. IOM International Organization for Migration. Bratislava 2011.  
138 The plan to create and deploy immigration liaison officers under the National Plan of State Borders Protection Management of the Slovak Republic was cancelled by Government Resolution No. 151 of 18 February 2009.  
139 Police attachés are deployed, for example, to the Russian Federation, Serbia, Croatia, Ukraine, Italy, Romania, Austria, Hungary, Poland, the Czech Republic and Bulgaria.

In the reference period from 01 January 2011 to 31 December 2011, no readmission agreements were concluded and signed at the bilateral level. At the EU level, one readmission agreement between the EU and Georgia was signed on the readmission of illegally staying persons. The purpose of this agreement is to ensure an effective return of own nationals, third-country nationals or stateless persons. As far as cooperation in the preparation of readmission agreement drafts at the EU level is concerned, the respective experts from the SR regularly participate and cooperate in the preparation of all texts proposed by the European Commission. In the reference period, draft texts of the readmission agreements with Armenia, Azerbaijan, and Belarus were presented.

In the beginning of 2011, the EU declared its intention to adopt a readmission agreement with Libya, and is willing to launch negotiation processes with China and Algeria.

Type of readmission agreement	Third countries involved	Main purpose of the agreement
The SR concluded <b>bilateral readmission agreements with Poland, Romania, Slovenia, Bulgaria, France, Croatia, Italy, Spain, Austria, Germany, Hungary, the Czech Republic, Sweden, BENELUX countries, Norway, Vietnam and Switzerland.</b>	Yes	The purpose of these agreements is to regulate, on a reciprocal basis, the obligation to admit own nationals and, under certain conditions, third-country nationals and stateless persons, and to define the necessary practical provisions concerning readmission (requests for readmission, deadlines, procedure related to the hand over of persons, or the means of transportation).
The SR concluded <b>bilateral protocols to implement readmission agreements between the EU and third countries with the Russian Federation (07 April 2010), Albania (21 January 2010), Moldova (12 May 2010) and Serbia (18 February 2011).</b>	Yes	The main purpose of the protocols is to determine the bodies responsible for the implementation of the agreement between the EU and a third country, delivery of the request for readmission and transit, specification of border crossing points for the purposes of readmission, the procedure related to the examination of persons to be readmitted with the aim to identify their nationality, and execution of readmissions and convoy transits.
The SR is at the stage of negotiations on <b>draft protocols to implement readmission agreements between the EU and third countries with the, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, Montenegro and Georgia, Ukraine.</b>	Yes	The main purpose of the protocols is to determine the bodies responsible for the implementation of the agreement between the EU and a third country, delivery of requests for readmission and transit, specification of border crossing points for the purposes of readmission, the procedure related to the examination of persons to be readmitted with the aim to identify their nationality, and execution of readmissions and convoy transits.

Source: MoFA SR



**II(f) To devise incentive systems to assist voluntary return and to keep each other informed**

IOM is currently implementing Stage 3 of the project which has been continually running since 2009 and is financed from the European Return Fund and the budget of the MoI SR. The project objective is to provide illegal migrants and unsuccessful asylum seekers with the possibility of an organised human and cost-effective return and reintegration in the country of origin through the assisted voluntary returns programme. Besides returns as such and return assistance, the project also includes pre-return counselling, granting of a return financial contribution and post-return reintegration assistance to selected recipients by supporting approved business plans, assistance in seeking employment, material assistance, legal counselling, support of training, accommodation assistance or health assistance. Also, a hotline and a website are being operated, and a campaign was launched with the purpose of raising the target group's awareness about the possibility of return.

The key objective of the campaign is to provide migrants who might need the programme services with publicly available information about the possibility of return and with access to comprehensive information. The basic information about the programme is available in six languages — Slovak, English, Russian, Chinese, Vietnamese and Arabic, and is placed on 40 billboards, 40 posters, 8 Continental advertisement spaces, public transport stops and ten benches in the streets and railway stations in Bratislava and Košice. The principal item of the campaign is the hotline number 0850 211 262, through which the IOM staff provides consultations about the assisted voluntary returns programme. The IOM operative staff also actively informs the target group about the possibility of return to the country of origin through the voluntary returns programme at the MoI SR asylum and detention facilities. The campaign is based on activities with a similar focus which were carried out in 2009 and 2010.

In 2011, 117 persons registered in the assisted returns programme, and 95 returns were carried out.

The total number of reintegration grants for the year 2011 is 26. Most of the grants were provided to returnees from Vietnam and Ukraine. Returnees are mainly interested in carrying out their business plans — 22 out of 26 cases. Material assistance was provided in three cases, and help with temporary accommodation was provided in one case.

**Reintegration in the Country of Origin**

Type of assistance	Number of grants provided in the given area	Country of origin
House reconstruction, purchase of a boiler	3	3x Ukraine
Farm (greenhouse, purchase of cows, chickens, fish, pigs)	6	1x Georgia 1x Serbia 1x Moldavia 2x Vietnam 1x Kosovo

Shop – electrical, mobile phones, ironworks, stationary/bookstore, building materials	5	3x Vietnam 1x Ukraine 1x Armenia
Partnership (sale of mobile phones, building materials, jelly, confectionary, telecommunications)	6	4x Vietnam 1x Iraq 1x Georgia
Car purchase (transport of bees)	1	1x Georgia
Groceries, bar, fast food	3	2x Vietnam 1x Ukraine

Source: IOM

**6.2 Stockholm Programme**

The following commitments of the Stockholm Programme are relevant to this sub-section:

**4(c) ensuring that the objective of the EU's efforts on readmission should add value and increase the efficiency of return policies, including existing bilateral agreements and practices**

BBAP PFP declared its intention to continue its involvement in the preparation of bilateral readmission agreements reflecting the situation in the field of illegal migration. At the same time, the SR will support to the maximum extent possible negotiations with third countries on behalf of the EU. The SR will seek promotion of cooperation with problem countries not only on a contractual basis, but also at the level of practical cooperation in the field of documentation and admission of returnees, transit, etc. In accordance with Article 23 of the Schengen Convention, the SR will conduct an analysis and will possibly participate at the European level in a discussion with Schengen countries on readmission agreements concluded with the purpose of regulating the readmission of third-country nationals illegally staying within the Schengen Area.

Readmission agreements, at either bilateral or EU levels, contribute to an effective implementation of the return policy of the SR. One of the reasons is the very substance of these agreements — the facilitation of cooperation between countries upon return of their own nationals, third-country nationals or stateless persons who must be admitted by one of the parties. Readmission agreements also help returnees, as the readmission process is fast, is not subject to excessive bureaucracy and does not require issuance of decisions on the administrative expulsion of aliens, accompanied with the entry ban. The readmission process fully respects and preserves all fundamental human rights and freedoms of individuals according to international standards.

**4(e) assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures, in order to ensure the effectiveness of their return policies towards certain third states**

The SR supported provision of assistance on a voluntary basis also in 2011, but has not performed joint air returns in cases of specific and disproportionate pressures on the external Schengen border of the SR, since no disproportionate or specific measures were reported in the given period.

4(f) increased practical cooperation between Member States, for instance by regular chartering of joint return flights

In 2011, the SR was engaged in a joint air return operation organised by Spain on 24 November 2011. This joint operation also involved other countries, namely the United Kingdom, Ireland, Portugal, Bulgaria, Norway and France, and related to a return operation to Pakistan. In this particular case, the countries did not manage to carry out the expulsion of the alien to its target country of origin, because the air company refused entry to the airplane to both the escort police and the alien.

The SR also participated in a joint return operation to Pristina organised by Germany on 18 August 2011. The other countries involved in the operation were Belgium, France, Austria and Sweden. In this case, the alien was transported to the airport of the target country, but the police authorities at Pristina airport denied entry of the alien to their territory because they did not accept the emergency travel document issued by the Embassy of the Republic of Serbia.

In connection with Slovakia's involvement in joint air expulsions, it should also be mentioned that the SR carried out expulsion of a Serbian national to the Province of Kosovo in cooperation with FRONTEX on 07 December 2011. The joint flight is organised by Germany, and involves also other countries, namely Austria, Sweden, Norway and France. In this case, the alien has been issued an emergency travel document by the Embassy of Kosovo in Vienna.

6.3 Key Statistics

Third-country nationals ordered to leave and returned			
	Returned as part of forced return measures	Returned voluntarily	Within the third-country nationals returned voluntarily, number of third-country nationals returned as part of an assisted return programme
Third-country nationals	389	95	95

Source: BBAP PFP and IOM

7. Actions against Human Trafficking

7.1 European Pact on Immigration and Asylum

The following commitments of the Pact are relevant to this sub-section:

II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat

In 2011, BBAP PFP was involved in the preparation of a manual for the border police entitled *Identification of Victims of Human Trafficking upon Border Controls* by FRONTEX. In 2012, the manual will be tested with involvement of the staff of the Border Police Service of the Police Force, and in 2012 and 2013, after translating the manual into the EU Member States' languages, all members of the Border Police Service of the Police Force will be gradually retrained.

In 2011, the BBAP PFP created a working group to combat human trafficking. This working group deals with these issues from the point of view of the Border Police Service and Aliens Police Service of PF.

At the level of the National Unit to Combat Illegal Migration of BBAP PFP, training courses on *Human Trafficking* for PF investigators were organised in 2011.

In addition to that, the National Unit to Combat Illegal Migration of BBAP PFP, within a multi-sectoral working group designed to provide complex care for the victims of human trafficking, presented a proposal for a list of identification questions needed to prepare a questionnaire to identify the victims of human trafficking. In this respect, an internal regulation of the BBAP PFP Director was issued in 2011 in the form of a methodological guideline entitled *Definition of a Precise Procedure for Members of the BBAP PFP of the Police Force in the Identification of Potential Victims of Human Trafficking, and Definition of a Precise Procedure for Members of the BBAP PFP of the Police Force after Finding out that an Alien is a Potential Victim of Human Trafficking*. The internal regulation comprises lists of obligatorily asked questions that the member of the Police Force of the BBAP PFP will be required to ask when examining an alien in order to be able to identify him/her as victim of human trafficking. This regulation also includes information with precise contact data of non-governmental organisations dealing with trafficking in human beings.

The other activities planned for 2012 include gradual retraining of the members of the Border Police Service of PF, the National Unit to Combat Illegal Migration, and Aliens Police Service of PF in the field of human trafficking with special emphasis on the newest trends, identification of victims and offenders with assistance from the Office of the Minister of Interior of the SR as the body responsible for combatting human trafficking.

The competent authorities have not conducted any activities in third countries in 2011 that focused on awareness raising and work with communities under threat in the countries of origin.

On the basis of a public order by the Mol SR to provide services, IOM carried out several activities targeting the prevention of and fight against human trafficking. In 2011, IOM continued implementing the *Programme of Return and Reintegration of Trafficked Persons*, which was financed by the Mol SR under the *Programme of Support and Protection of the Victims of Human Trafficking* (hereinafter referred to as the "Programme"). The Programme includes assistance provided to victims of trafficking upon return to their countries of origin and reintegration assistance, including social, psychological and legal counselling, health assistance, labour integration and provision of safe accommodation, as well as a financial contribution to cover their basic needs. Besides ensuring complex care, expert consultations, counselling and crisis assistance to potential clients or external referring organisations that came into contact with the victim of human trafficking were also provided in the framework of the Programme.

In the period from 01 January 2011 to 31 December 2011, IOM identified, in the framework of the Programme, 29 victims of human trafficking, 21 of which have already entered the Programme. In 2011, IOM continued operating a national helpline for the victims of human trafficking 0800 800 818.<sup>140</sup> In the course of its operation, the helpline reported a total of 1,325 calls during the period from 01 January 2011 to 31 December 2011. Thanks to the helpline, seven persons were identified in 2011 as former victims of human trafficking or as persons under threat or persons facing human trafficking (information as of 31 December 2011).

In 2011, IOM continued providing training courses on the prevention of human trafficking.<sup>141</sup> The five training sessions were attended by judges, prosecutors, operational staff and investigators of the Police Force, representatives of higher territorial units, members of BBAP PFP, representatives of selected non-governmental organisations, representatives of the Foster Home Topolčany and Foster Home for Unaccompanied Minors Horné Orechové, as well as employees of the Information Centre to Combat Human Trafficking and Crime Prevention. Other training sessions were provided to catechists, community social workers and future consuls.

In 2011, IOM also produced a movie 0800 800 818. The movie is supposed to serve as a methodological tool to conduct preventive activities among those population groups which are most exposed to the risk of human trafficking.<sup>142</sup>

7.2 Stockholm Programme

The relevant commitments of the Stockholm Programme are similar to those of the Pact, and therefore no further description is needed.

7.3 Key Statistics

Third-country nationals receiving a residence permit as victims of human trafficking	
Third-country nationals	–

Traffickers arrested and convicted		
	Arrested / otherwise involved in a criminal proceeding	Convicted
Traffickers	–	–

Data not available

140 On the basis of the Contract on Provision of Services concluded with the Mol SR under the Programme of Support and Protection of the Victims of Human Trafficking as a result of the public order of the Mol SR on ensuring operation of the National Helpline for Victims of Human Trafficking.

141 The training courses were held pursuant to the Contract on Provision of Services concluded with the Mol SR under the public order to ensure training and enhancement of capacities of organisations and experts of the reference framework in the field of prevention, identification and provision of complex care for victims in human trafficking.

142 This activity was financed by the Government Council for Crime Prevention, the British Embassy and the Embassy of the Netherlands.

BORDER CONTROL

8. Control and Surveillance at External Borders

8.1 European Pact on Immigration and Asylum

The following commitments of the Pact are relevant to this sub-section:

III(a) more effective control of the external land, sea and air borders

Control of the external borders of the SR is performed by a combination of physical and technical protection and operative search activities. The main responsibility for the practical performance of external border control in the SR is borne by the Border Police Service. The objective of ensuring systemic measures for a more effective border control of the SR is fulfilled by means of integrated border management (IBM). The measures are specified in the National Plan of Border Control Management of the Slovak Republic for the Period 2011–2014<sup>143</sup> (hereinafter referred to as the “National Plan”). The National Plan is a planning document the contents of which is based on the new Schengen acquis adopted after the entry of the SR into the Schengen Area, as well as on other strategic documents of EU institutions and bodies adopted in the given period. The structure of the new National Plan is adapted to the four-stage model of the control of access to IBM in the SR, and to the structure of the updated Schengen Catalogue of the European Union on border control, return and readmission.<sup>144</sup> The National Plan also comprises a schedule for the fulfilment of tasks resulting from the National Plan of Border Control Management for the Period 2011–2014. The tasks in the schedule cover the individual areas of the IBM system, such as systemic measures related to the control of the external borders of the SR, risk analysis concerning SR border control, training on SR border control, etc.

Training is an important tool for the work of the staff of the Border Police Service and Aliens Police Service, making them better oriented in information with a European and international dimension. The training of the staff of the Border Police Service and Aliens Police Service of BBAP PFP is carried out through their own activities and programmes, such as European Training Day for Border Guards (ETD). The preparation and performance of educational activities are based on the current Schengen acquis, the outcomes of risk analysis, and on new trends in the falsification and forging of travel documents and public documents. The preparation of the training also observes the training needs concerning protection of and respect for human rights and freedoms. Very intensive in this area is the cooperation with non-governmental organisations and with the third sector.

The principal task in police training in the period 2012–2014 will be foreign language training, especially German and English. In most cases, language training already starts at the basic level of the police training system, but it must be developed in the next stages of the police service.

In 2011, the third stage of the training project for the Border and Aliens Police staff of the Border Control Department under the Border Police Directorate Sobrance and at international airports was

143 National plan of Border Control Management of the Slovak Republic for the Period 2011–2014, approved by Government Resolution No. 473 of 06 July 2011, available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19962> (consulted on 18/11/2011).

144 Document of EU Council No. 7864/09 SCH-EVAL 48 COMIX 252



conducted in English language with the aim to improve the performance of their activities related to border control.

With regard to special training activities, a trainers' network was created at selected organisational units of BBAP PFP to ensure training on detection, falsification and forging of travel documents and other documents. A more intense special preparation is planned for the period 2012–2014, targeting the detection of false and forged travel documents, visas, ID cards, residence permits, motor vehicle documents, etc. Special training activities are planned to be held regularly, at least once a month, and should focus on the police performing first-line and second-line control of the external borders of the SR. The execution of these tasks will be ensured by the Department of Travel Documents Analysis of BBAP PFP together with experts from the Criminal and Expertise Institute of PF. In connection with these topics, the police staff members also participate in training activities organised by foreign partners (e.g. Hans Seidl Foundation).

The SR is also involved in the FRONTEX training activities. For more information refer to paragraph 4(k).

### **III(e) deploy modern technological means for border control**

The tasks resulting from the pilot project of the European Border Surveillance System (EUROSUR) for the SR are defined in the Commission's document COM(2008) 68. BBAP PFP was also engaged in these tasks throughout 2011. On 24 May 2011, the SR signed the *Memorandum of Understanding EUROSUR* at the FRONTEX headquarters in Warsaw. An inspection visit from FRONTEX headquarters to BPD Sobrance was conducted from 24 October 2011. The SR was evaluated as one of the best prepared EU countries for the EUROSUR system, and was offered testing of this system. At the end of 2011, the National Communication Centre at BPD in Sobrance was completed. After the software and NOD were installed, the testing operation of the EUROSUR system was successfully launched in Slovakia. Similarly as other six EU Member States, the SR is entering data into the EUROSUR system and is testing the system under the pilot project.

Besides preparations for introduction of the new Schengen border control standard through the EUROSUR pilot project, a legislation change of the Schengen acquis concerning control of travel documents on the EU external border is being prepared within the EU. In 2011, national experts of the SR attended the EC work meetings on the preparation and review of the draft *Decision of the European Parliament and the Council on the list of travel documents entitling the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list*. This proposal establishes a list of travel documents issued by all third countries the nationals of which fall under the visa obligation against EU Member States. The proposal also includes a list of documents issued by third parties, the holders of which are exempt from the visa obligation, and documents issued by Member States in which the Schengen acquis does not yet apply in full scope.

In order to increase the capacity of the competent authorities ensuring integrated external border protection management to carry out control and supervision of the external borders, a number of measures were financed by the External Border Fund in 2011. At the beginning of the year, several sets of special monitoring devices for the cars of the National Unit to Combat Illegal Migration were purchased, which contributed to the fight against illegal migration and organised smuggling at the external land border between the SR and Ukraine within sections outside of border crossing-points. In 2011, the capacity of the customs authorities to perform control and supervision of the external

border was enhanced, too, thanks to special means of transport and extension of the radio-communication network. The international airports in Poprad and Košice were also equipped with necessary radio-communication technology, which made the external border protection at these airports more effective.

In connection with the building and implementation of the national section of SIS II (NS-SIS), the European Commission published the third version of technical specification for SIS II completion in 2011. In this respect, it was necessary to adjust the detailed analysis of the requirements for international functioning of NS-SIS according to the current technical requirements. This adjustment was performed in the period from April to July 2011, thanks to which everything was prepared to launch the international tests of NS-SIS in October 2011. The adjustment of the detailed analysis of requirements was financed by the External Border Fund.

In 2011, the information system of the International Police Co-Operation Office of PFP was launched. This office currently uses the SIRENE office to work with the Schengen Information System. Due to the wear-out of the technical hardware of the SIRENE national headquarters, the IPCO started gradually replacing these facilities both at the SIRENE headquarters and at the joint contact offices in the SR. All these measures were financed by the External Border Fund.

## **8.2 Stockholm Programme**

The following commitments of the Stockholm Programme are relevant to this sub-section:

7(i) invites the Member States and the Commission to explore how the different types of checks carried out at the external border can be better coordinated, integrated and rationalised with a view to the twin objective of facilitating access and improving security

One of the main tasks of BBAP PFP in 2011 was to ensure effective technical protection upon border checks and border supervision on the external borders of the SR. The use of technical devices combined with physical checks serves for the detection of more and more serious cases of illegal external border crossing (land sector and air sector), smuggling of cigarettes and tobacco, arms, ammunition, explosives, drugs and psychotropic substances, and for the elimination of such cases.

In 2011, BBAP PFP carried out a partial replacement of equipment (e.g. computer equipment) used for the border checks of persons at crossing points on the external borders of the SR. No activities to ensure better coordination of the various types of border controls are planned for the first-line and second-line control of persons at border crossing points in 2011.

In the forthcoming period, the EU seeks to implement an automated border control system, which is currently at preparation stage. In case the automated border control system is implemented, the activities related to the examination and check of electronic travel documents will be interconnected within the EU, including checking of persons' biometric data.

8.3 Key Statistics

Visas issued			
	Total Visas	Schengen Visas	National Visas
Visas	72 234	70 997	1 237

Source: MoFA SR

9. Cooperation with Respect to Border Control

9.1 European Pact on Immigration and Asylum

The following commitments of the Pact are relevant to this sub-section:

**III(b) generalise the issue of biometric visas, improve cooperation between MSs’ consulates and set up joint consular services for visas**

In the implementation of the Visa Code and VIS and issuance of biometric visas, the SR carried out the following activities in 2011:

With the launch of VIS on 11 October 2011, the SR started issuing visas with two biometric identifiers (photo and fingerprints) at the Embassy in Cairo (North Africa region). As of 31 December 2011, the Embassy in Cairo reported 58 visa applications sent to VIS. Based on an analysis of the practical experience at this foreign mission, the SR plans to start issuing biometric visas in the Middle East in the first quarter of 2012. Fingerprints will also be collected at the Embassy in Tripoli after restoring its operation. The SR will start collecting fingerprints in other regions by the date set by the European Commission at the latest.<sup>145</sup>

The other foreign missions currently issue visas with one biometric identifier — a photo. All FMs SR issuing visas are equipped with devices for fingerprints collection.<sup>146</sup>

The Visa Code provisions have been fully implemented, including Article 32, par. 2 and 3, and Article 34, par. 6 and 7 concerning decisions on visa rejection, cancellation or revocation, and on appeals against rejection of application and against revocation or repeal of a granted visa, which have been applied since 05 April 2011.<sup>147</sup>

As for the enhanced cooperation between the consulates of Member States, the FMs actively cooperate with the FMs of other Member States in accordance with the Visa Code in the framework of local Schengen cooperation. Agreements on representation in the issuance of visas have been concluded with the following countries:

145 Information provided by MoFA SR.  
146 Information provided by MoFA SR.  
147 Information provided by MoFA SR.

Hungary

The Agreement between the Ministry of Foreign Affairs of the Slovak Republic and the Ministry of Foreign Affairs of the Republic of Hungary on Representation in Visa Issuance was concluded by exchange of notes on 23 September 2010 and 24 September 2010 respectively. This agreement started to be applied on the day of its entry into effect on 01 November 2010.<sup>148</sup>

The Amendment to the Agreement between the Ministry of Foreign Affairs of the Slovak Republic and the Ministry of Foreign Affairs of the Republic of Hungary on Representation in Visa Issuance was executed by exchange of notes on 02 May 2011 and 16 May 2011, entering into force on 01 July 2011.<sup>149</sup>

Austria

The Agreement between the Government of the Slovak Republic and the Federal Government of the Republic of Austria on Mutual Representation through Diplomatic Missions and Consular Offices of Their States in the Visa Procedure was signed on 23 October 2009. The agreement entered into force on 01 December 2009.

On 06 May 2011, the Agreement between the Ministry of Foreign Affairs of the Slovak Republic and the Federal Ministry for European and International Affairs of the Republic of Austria on the Implementation of the Agreement between the Government of the Slovak Republic and the Federal Government of the Republic of Austria on Mutual Representation through Diplomatic Missions and Consular Offices of Their States in the Visa Procedure was signed. This agreement started to be applied on the day of its entry into force on 01 June 2011.<sup>150</sup>

Slovenia

The Agreement between the Ministry of Foreign Affairs of the Slovak Republic and the Ministry of Foreign Affairs of the Republic of Slovenia on Mutual Representation through Diplomatic Missions and Consular Offices of Their States in the Visa Procedure was signed on 15 October 2010 and entered into effect on 14 November 2010.

The Implementation Agreement to the Agreement between the Ministry of Foreign Affairs of the Slovak Republic and the Ministry of Foreign Affairs of the Republic of Slovenia on Mutual Representation through Diplomatic Missions and Consular Offices of Their States in the Visa Procedure was concluded by exchange of notes on 30 May 2011 and 09 June 2011. This implementation agreement entered into force on 01 July 2011.<sup>151</sup>

Czech Republic

The Agreement between the Ministry of Foreign Affairs of the Slovak Republic and the Ministry of Foreign Affairs of the Czech Republic on Mutual Representation through Diplomatic Missions and Consular Offices of Their States in the Visa Procedure and the Protocol on Implementation of the Agreement were approved by the management of the MoFA SR on 11 August 2011. The agreement and the protocol were both signed on 04 November 2011 in Prague and entered into effect on 04 December 2011.<sup>152</sup>

148 In the issuance of visas, the SR is represented by Hungary in Albania, Moldova and Saudi Arabia.  
149 In the issuance of visas, Hungary represents the SR at the General Consulate in Yekaterinburg in the Russian Federation, and at the General Consulate in Almaty in the Republic of Kazakhstan.  
150 Austria represents the SR in visa issuance in Lebanon and Jordan.  
151 Slovenia represents the SR in visa issuance in Montenegro (Podgorica). The SR represents Slovenia in Romania, Cyprus, and at the Consulate General in Uzhgorod.  
152 The Czech Republic represents the SR in visa issuance in Afghanistan, Algeria, Pakistan, Ghana, Mongolia, the Philippines, and the

Latvia

The Agreement between the Ministry of Foreign Affairs of the Slovak Republic and the Ministry of Foreign Affairs of the Latvian Republic on Mutual Representation in Visa Issuance was concluded by exchange of notes on 20 October 2011 and 27 October 2011. This agreement entered into force on 01 December 2011.<sup>153</sup>

In 2011, the following agreements on representation in visa issuance were prepared:

Poland

The Government of the SR approved, by Resolution No. 888 of 15 December 2010, the proposal to conclude the Agreement between the Government of the Slovak Republic and the Government of the Republic of Poland on Mutual Representation in Visa Issuance. The agreement was to be signed during the official visit of the Foreign Affairs Minister of the SR to the Republic of Poland on 16 December 2010. The Polish side did not manage to prepare the agreement for signing on time and, subsequently, raised a serious objection on the draft agreement. The two parties continue negotiating with the purpose of harmonising their opinions.<sup>154</sup>

Lithuania:

Opinions on the text of the agreement are currently being exchanged; the SR received approval of the text by the Lithuanian side on 16 November 2011; the document is being prepared for inter-ministerial review.<sup>155</sup>

Germany

The original proposal of the government agreement was changed to a ministerial agreement. The SR has been waiting for the opinion of the German side since October 2010 (two reminders have been sent ever since).<sup>156</sup>

Spain

According to the draft text of the Agreement between MoFA SR and the Ministry of Foreign Affairs of the Kingdom of Spain on Mutual Representation in Visa Issuance, Spain is expected to represent the SR in Colombia, Peru, Ecuador, the Dominican Republic, Jamaica, and Haiti. On the other hand, the SR is expected to represent Spain in Uzbekistan under the condition of a maximum of 200 visas annually. Spain conditioned the conclusion of the agreement with reciprocal full representation not only in Uzbekistan, but also in Minsk, which the Slovak side is not able to ensure yet for capacity reasons.

Estonia

Estonia is expected to represent the SR in visa issuance in Libya. However, the FM SR in Tripoli is temporarily closed, and the negotiations have been suspended.

France

France insists on the condition of granting visas also into travel documents which the SR does not recognise; hence, the negotiations have been suspended.<sup>157</sup>

SR represents the Czech Republic in Kenya.

<sup>153</sup> Latvia represents the SR in visa issuance in Azerbaijan; the SR represents Latvia in Romania, Mexico and South Korea.

<sup>154</sup> Poland will represent the SR in visa issuance in Armenia and at the Consulate General in Kaliningrad in the Russian Federation.

<sup>155</sup> Lithuania will represent the SR in visa issuance in Georgia; the SR will represent Lithuania at the General Consulate in Shanghai in China.

<sup>156</sup> Germany will represent the SR in visa issuance in Azerbaijan (in a similar way as Latvia; it will depend with whom the agreement is signed first) and in Cambodia.

<sup>157</sup> France is expected to represent the SR in visa issuance in Tunisia.

**III(d) solidarity with MS subjected to disproportionate influxes of immigrants**

The SR is involved in the operational activities organised by FRONTEX in the air, land and sea sectors. In 2011, big emphasis was put on the extension of operation activities. In connection with the critical situation in North Africa, the SR reacted very promptly by deploying experts and technology to operations. In 2011, some BBAP PFP policemen participated in a RABIT operation (rapid intervention border team) at the Greek-Turkish border which reported an excessive increase in the number of illegal migrants.

The SR deployed 12 experts in total to border control and border supervision, including equipment. The activities of the BBAP PFP experts were evaluated very positively.

During the Ice Hockey World Championship in April and May 2011, the SR was actively involved in the operation activities at the Vienna-Schwechat airport. In the framework of METEOR operation, the SR promoted the measures adopted with the aim to increase the efficiency of border control, together with other Member States and observers from Albania, Moldova, Belarus and Russia. In addition, contact points were established at the airports in Bratislava and Košice with experts from other Member States and observers from Russia and Belarus with the aim to implement measures against illegal migration. Within the land sector, JUPITER operation was conducted at the Slovak-Ukrainian border during the Ice Hockey World Championship, again with the involvement of experts from EU Member States and observers from Russia, Moldova and Belarus.

**III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control**

In connection with the preparation of the European Football Championship in Poland and Ukraine in 2012 and with regard to the performance of seasonal works, BBAP PFP will select and prepare an expert — a document advisor to be deployed at the FM SR in Kiev during the period from April to September 2012.

## 9.2 Stockholm Programme

The following commitments of the Stockholm Programme are relevant to this sub-section:

**6(a) The European Council encourages the Commission and Member States to take advantage of the entry into force of the Visa Code and the gradual roll-out of the VIS**

The Visa Code increased transparency and legal security in the assessment of visa applications, and ensured equal treatment of visa applicants. Moreover, it harmonised the rules and procedures for Schengen countries which apply the common visa policy.

The national VIS consists of two parts: VIS of MoFA SR, recording data on visa applicants and issuing visas at foreign missions and border crossing points; and VIS of Mol SR used for the processing of received visa applications. With regard to the national VIS, increased attention must be paid to data entry and the handling of visa applicants' personal data. On 11 October 2011, the CS VIS operation was launched. At present, full functionality of the interconnection of all VIS parts is being gradually implemented in several intervals from 2011 to 2014. The interconnections serve for the fulfilment of



all tasks associated with the control of alphanumeric data and biometric data in the central VIS by entering biometric data upon issuing visas at border crossing points.

For more details refer to sub-section III(b).

ASYLUM

10. International Protection

10.1 European Pact on Immigration and Asylum

The following commitments of the Pact are relevant to this sub-section:

*IV(c) solidarity with MS which are faced with specific and disproportionate pressures on their national asylum systems*

The SR supports harmonisation through enhanced cooperation and exchange of practical experiences among the EU Member States. The activities of solidarity with Member States represent one of the work scopes of the European Asylum Support Office (EASO), which is fully functional since June 2011 and the establishment of which the SR had clearly supported. This office ensures coordination and support of practical cooperation among the EU Member States, a common training system, a platform for information about the countries of origin, asylum support teams and activities to enhance solidarity. The SR nominated its representatives to the asylum support teams; and it has been actively involved since November, through its representative from MO Mol SR, in the teams to support Greece in the creation of a system to receive asylum applicants in asylum facilities.

Through MO Mol SR, the SR actively participated in the continuation of the EUREAM II pilot project of refugees' relocation from Malta within the EU, financed under the Community Action — the European Refugee Fund. The SR aims to relocate 10 persons who were granted international protection in Malta, the target group being families with children and single parents with children. The grant application was submitted in October 2011. At present, the process of projects selection and approval is in place.

IV(d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of European Union Member States who request protection, in particular by moving, on a voluntary basis, towards the resettlement within the European Union

On 22 December 2010, a trilateral agreement between the Government of the SR, UNHCR and IOM on the humanitarian transfer of refugees who need international protection by the SR was concluded. Under this agreement, co-financed by the European Refugee Fund<sup>158</sup>, the SR will provide humanitarian assistance to 100 refugees and persons under international protection for a period of six months from the day of their entry to the territory of the Slovak Republic. In May 2011, 46 Afghan women and children arrived; most of them left the SR and were permanently relocated to a third country. In

158 Meals for these persons is financed from the fund.

December 2011 another group of 40 Somali refugees from Eritrea arrived and were provided temporary shelter by the SR. The refugees have been accommodated in the asylum facility of MOI SR in Humenne in which they will stay, similarly as other groups, six months, and after this period they will be gradually relocated to third countries. This activity will continue in 2012.

In 2011, the SR participated in the final conference on the UNHCR, IOM and ICMC project *Support of Relocation in the EU through Practical Co-operation among EU Member States and Other Stakeholders*; the SR joined this project in 2010. The main objective of the project is to promote higher involvement of EU Member States into relocation activities through enhanced cooperation among the EU Member States by using the support of several stakeholders and by a coordinated practical approach; to support practical and logistic collaboration among the EU Member States implementing relocation programmes; to interconnect the different stages of the relocation process (pre-flight health checks, cultural and orientation programmes, transfer, etc.); to support and promote reception services and capacities; and to prepare recommendations for the initial phase of the integration of relocated persons into society. The project is being implemented by IOM, UNHCR and ICMC, and the SR will continue being involved in it.

*IV(e) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection*

All special training activities for the Border Police Service staff of PF on border control and border supervision include topics related to international protection (asylum, subsidiary protection, temporary shelter). In 2011, a total of 846 members of the police performing direct service on the external border attended these special training courses, which represents 91% of police members assigned to the external air and land border of the SR (940 police members).

10.2 Key Statistics

Third-country nationals reallocated and resettled to Slovak Republic			
	Total	Reallocated	Resettled
Third-country nationals	0	0	0

Source: MO Mol SR

Training of external border guards on asylum		
	Total number of border guards	Border guards who received training
External border guards	940	846

Source: BBAP PFP

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

11. Unaccompanied Minors (and other vulnerable groups)

11.1 European Pact on Immigration and Asylum

No commitments.

11.2 Stockholm Programme

The following commitments of the Stockholm Programme are relevant to this sub-section:

**5(a develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return**

The Council adopted an Action Plan on unaccompanied minors for the period 2010-2014. The Council will prepare a report on the Action Plan in 2012.

In 2011, the SR participated in two regional projects concerning unaccompanied minors, implemented by the IOM and financed from the European Refugee Fund — Community Actions.

The first project entitled *Best practice and coordination of the access to care for unaccompanied minors and former minors seeking asylum* aims to contribute to the creation of a joint approach of EU countries to present and former unaccompanied minors seeking asylum. The project coordinated by IOM Budapest and implemented in ten EU countries is based on an analysis of legislation and in-depth interviews with unaccompanied minor asylum seekers and those who are involved in the process of assessment of their applications.

The second project entitled *Improving the quality of nursing and care for unaccompanied minors — asylum seekers in Central European countries* seeks to contribute to the improvement of the quality of nursing for unaccompanied minor asylum seekers and to the harmonisation of standards on care for this target group in accordance with the EU Action Plan on unaccompanied minors, relevant EU directives and Convention on the Rights of the Child.

At the national level, the *BAKHITA* project deals with unaccompanied minor aliens (also refer to sub-section I(g)); one of the objectives of this project is to provide psychological and pedagogical care (Slovak language courses) to unaccompanied minors directly at the Foster Home for Unaccompanied Minors in Horné Orechové.

At the national level, the *BAKHITA* project deals with unaccompanied minor aliens (also refer to sub-section I(g)); one of the objectives of this project is to provide psychological and pedagogical care (Slovak language courses) to unaccompanied minors directly at the Foster Home for Unaccompanied Minors in Horné Orechové.

11.3 Key Statistics

Unaccompanied minors not applying for asylum	
Number of unaccompanied minors	151

Source: COLSAF

In 2011, 169 unaccompanied minors were placed in the facilities of COLSAF, and 18 of them applied for asylum. If they request to be included in the asylum procedure, they will be moved to the facilities of MO MoI SR; should their asylum application be rejected, they will be granted subsidiary protection and return to the COLSAF facilities. For the majority of unaccompanied minors, the SR continues to be a transit country, as they seek to escape to another target country.<sup>159</sup>

GLOBAL APPROACH TO MIGRATION

12. External Co-operation / Global Approach to Migration

12.1 European Pact on Immigration and Asylum

The following commitments of the Pact are relevant to this sub-section:

**V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development**

In 2011, the SR did not conclude any bilateral agreement<sup>160</sup> on employment, but it concluded two bilateral agreements on youth mobility with Canada and New Zealand. For more details refer to I(b).<sup>161</sup>

Type of agreement	Third countries involved	Main purpose of the agreement
Bilateral	Canada	Promotion of special and university education and work leave

Source: MoLSAF SR

<sup>159</sup> Information provided by COLSAF.  
<sup>160</sup> Information provided by MoLSAF SR.  
<sup>161</sup> The only agreement on employment of other nationals is the Agreement between the Slovak Republic and the Government of the Russian Federation on the organization of employment in the fulfilment of business or other contracts and on mutual employment of citizens of 13 February 1995, which is, however, not being implemented.

### ***V(b) offer the nationals of partner countries to the East and South of Europe opportunities for the legal immigration***

In 2011, no specified measures targeting labour or circular migration were adopted, nor any special measures directed to third countries of Eastern and South Europe.<sup>162</sup> The Migration Policy of the SR with a Perspective until 2020, adopted in 2011, contains several references to the regulation of legal migration, as well as references to temporary and circular migration. Specific measures will be prepared and implemented in 2012. For more details refer to sub-sections I(a-c) and 1(b).

### ***V(c) cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration***

In 2011, operative and inspection visits to selected foreign missions of the SR (India, Pakistan) were carried out; these visits are important for a direct exchange of information with regard to the analysis of threats of illegal migration. In 2011, BBAP PFP continued in the two-way exchange of information between the MoFA SR and foreign missions abroad after finding out facts relevant to the fulfilment of tasks of the Police Force concerning border control and visas.

### ***V(d) More effective integration of migration and development policies***

The MP SR views migration and development as a challenge phenomenon that needs to be dealt with more specifically, considering the current migration situation. However, according to MP, the interconnection between migration and development should not be automatically reduced only to the aspect of development aid which represents just one of the tools contributing to the reduction of unwanted migration. The following actions are needed in order to give it a direction and making the migration policy more specific in this field: to systematically increase coherence between migration policy and development policy defined in the strategic materials of the official development aid of the SR, and to incorporate more thoroughly migration issues into the development policy in relation to priority countries, the development aid of which should be made more targeted, and, in justified cases, to other countries relevant from the point of view of migration flows to the SR and the EU.<sup>163</sup>

The measures in this area will be detailed by all stakeholders/ministries by preparing action plans to the Migration Policy.

With regard to development cooperation in 2011, the following activities were carried out:

On 02 November 2011, the Government of the SR approved the draft Agreement between the Government of the Slovak Republic and the Government of the Republic of Kenya on Development Co-operation. The agreement aims to promote cooperation in the implementation of the official development aid programme of the SR.<sup>164</sup>

The following projects including humanitarian aid and containing a migration element are being implemented under the official development aid of the SR:

- *A House Midway* – This aid project is designed for the Cantonal Centre for Social Works in Sarajevo with the aim to purchase a social facility for children from foster homes who desperately need accommodation, education and social assistance.
- *Activities for Libyan children* – The purpose of this humanitarian aid was to help with the integration of Libyan children who were forced to escape to neighbouring Tunisia as a result of civil war.
- *Equal opportunities and subsistence for Bosnians, Serbians and Croats affected by landmine explosions: Fruit, Not Mines* – the project aims at providing job opportunities to handicapped persons and internally displaced people, especially those suffering after explosion of landmines. In the selection of families for cooperation, emphasis is put on representing all ethnic groups and on ensuring their mutual integration in Bosnia and Herzegovina.

### ***V(e) promote co-development actions and support instrument for transferring migrants' remittances***

No measures have been implemented in 2011 or in the years before.

## **12.2 Stockholm Programme**

The following commitments of the Stockholm Programme are relevant to this sub-section:

### ***11(h) how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin***

The involvement of diaspora groups into the migration and integration policy is ensured through cooperation with migrants' communities and civic associations. MoLSAF SR also ensures this form of cooperation through the Inter-Sectoral Expert Commission for Work Migration and Foreigners' Integration (ISCWMFI) and through *Meetings with foreigners' communities living in Slovakia* under MoLSAF SR sponsorship. Refer also to sub-section I(g).<sup>165</sup>

In general, no activities to support diaspora groups in the countries of origin have been developed in the SR.

<sup>162</sup> Information provided by MoLSAF SR.

<sup>163</sup> Migration Policy of the Slovak Republic with a Perspective until the Year 2020. Available at [http://www.emn.sk/phocadownload/documents/migracna\\_politika\\_sr\\_2020\\_sk.pdf](http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf) (consulted on 18/11/2011).

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